

Seive
State Of Tennessee
Circuit Court of Hamilton County

CATHY EPPINGER,
Petitioner,

Vs.

**UNIVERISTY OF TENNESSEE
AT CHATTANOOGA**

Respondent.

Docket No. 21C623

FILED IN OFFICE
2021 JUL -1 PM 3:57
LARRY L. HENRY, CLERK
BY HP DC

SUMMONS

UNIVERISTY OF TENNESSEE AT CHATTANOOGA
OFFICE OF THE GENERAL COUNSEL
615 McCallie Avenue, Chattanooga, TN 37403.

You are hereby notified of the filing of an employment discrimination petition pursuant to the Tennessee State Law, Specifically, Tennessee Human Rights Acts

Your defense to this complaint must be filed in the office of the Court Clerk of Hamilton County, TN on or before thirty (30) days after service of this summons upon you. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

WITNESSED, LARRY H. HENRY, Clerk of Circuit Court for Hamilton County, TN,

Issued this 1st day of July, 2021.

LARRY H. HENRY, Circuit Court Clerk

By: *Michael R. Bee*

Deputy Circuit Court Clerk

Attorney for Petitioner:

JACQUELINE STRONG MOSS, 1089 BAILEY AVENUE, SUITE C7, CHATTANOOGA, TN 37404

Petitioner's Address: CATHY EPPINGER:

E-mail: keppinger@epbfi.com

Phone: 423-994-3777

Received this _____ day of _____, 2021.

/S/ _____

COST BOND

I hereby acknowledge and bind myself for the prosecution of this action and payment of all costs in this court which may at any time be adjudged against the plaintiff in the event said plaintiff shall not pay the same.

Witness My Hand this _____ day of _____, 2017.

BY: _____

Jacqueline Strong Moss
707 Georgia Avenue, Suite 401
Chattanooga, TN 37402
(423) 756-2707

**State of Tennessee,
County of Hamilton**

I, LARRY H. HENRY, Juvenile Court Clerk, Clerk of the Circuit Court, in and for the State and County aforesaid, hereby certify that the within and foregoing is a true and correct copy of the original writ of summons issued in this case.

LARRY H. HENRY, Juvenile Court Clerk, Circuit Court Clerk

BY: _____ D.C.

Officer's Return

I certify that I served this summons together with the complaint as follows:

[] On _____, 2017, I delivered a copy of the summons and complaint to the defendant,

[] Failed to serve this summons within 30 days after its issuance because: _____

Sheriff Jim Hammond

BY: _____

Sheriff

Clerk's Return

I hereby acknowledge and accept service of the within summons and receive copy of same, this _____ day of _____, 2017.

Defendant

LARRY H. HENRY, Juvenile Court Clerk,

BY: _____ D.C.

Notice to Defendant(s)

Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of this list. Certain items are automatically exempt by law and do not need to be listed; these included items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

CIRCUIT COURT HAMILTON COUNTY TENNESSEE

CATHY EPPINGER,
Plaintiff,

v.

UTC OF TENNESSEE
AT CHATTANOOGA
Defendant.

DOCKET NO.: 21C623

DIVISION

JURY TRIAL DEMANDED

FILED IN OFFICE
2021 JUL - 1 PM 3:57
LARRY L. HENRY, CLERK
BY LP DC

VERIFIED COMPLAINT FOR DAMAGES

COMES NOW Cathy Eppinger ("Eppinger"), Plaintiff in the above styled action, by and through the undersigned counsel, and files her Verified Complaint for Damages and Demand for Jury Trial. In support of thereof, Mrs. Eppinger respectfully shows the Court as Follows:

PRELIMINARY STATEMENT

1. Mrs. Eppinger brings this action against the University of Tennessee at Chattanooga ("UTC") for violations of Tennessee State Law, including violations of the Tennessee Human Rights Act (the "THRA") pursuant to T.C.A. § 4-21-101 *et seq.*, and tort claims including Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress, Punitive Damages, and Litigation Expenses and Attorneys' Fees.
2. Mrs. Eppinger employment with the UTC began in November of 2011.
3. Mrs. Eppinger encountered systemic racism within the UTC promotion system.

4. As a member of a protected class, African American and female, Mrs. Eppinger has been denied equal access to opportunities to apply for and be promoted to positions which she is qualified to perform based on her race.

5. Mrs. Eppinger hold a degree from the University of Chattanooga and has worked with the UTC system for over nine years.

6. In her current position as Administrative Assistant III, with the UTC Facilities Division, Mrs. Eppinger has consistently received favorable performance reviews. She has performed at the exceptional level, meeting or exceeding all of the requirements of her current position as an Administrative Assistant III.

7. She has gained the respect and cooperation of her colleagues through her hard work and dedication to the University.

8. Despite Mrs. Eppinger's performance, she has not afforded the same employment opportunities as her non-African American peers, and she has been subjected to discrimination, intimidation, harassment and retaliation when she has opposed systemic racism in UTC's promotion practices.

9. As a result, Mrs. Eppinger has suffered significant emotional and monetary damages during her tenure with the University.

JURISDICTION

10. The Hamilton County Circuit Court has jurisdiction over this action in that this is a civil action arising under Tennessee state and local laws pursuant to the Tennessee Human Rights Act.

VENUE

11. Venue is proper in this Court. The events giving rise to Mrs. Eppinger's equal employment opportunity claims occurred in Hamilton County, Tennessee.

CONDITION PRECEDENT

12. On July 1, 2020, Mrs. Eppinger timely filed an initial inquiry with the Equal Employment Opportunity Commission (EEOC) and Mrs. Eppinger's claim was transferred to the TN Human Rights Commission ("THRC") for processing.
13. Mrs. Eppinger's complaint contains allegations of systemic discrimination based on race, unequal access to promotional opportunity based on race, equal pay, and performance evaluations.
14. Mrs. Eppinger did in fact agree to mediate her discrimination claims through the THRC. However, due to complication from COVID 19, the mediation timeline was delayed and could not be scheduled until late July.
15. Mrs. Eppinger has requested a right to sue letter from the TN Human Rights Commission which has been forwarded to the EEOC and is awaiting processing.
16. This complaint is presented to preserve Mrs. Eppinger's right to pursue all available employment discrimination claims under state and federal law.

17. Mrs. Eppinger has fully complied with all prerequisites to jurisdiction in this Court under the laws of the State of Tennessee.

PARTIES

18. Mrs. Eppinger is a woman of African American descent, who is an individual citizen and resident of the State of Tennessee, County of Hamilton.

19. Mrs. Eppinger is an employee of the UTC of Tennessee, at Chattanooga, as defined by Title VII, the ADA, the THRA, and the TDA.

20. Defendant, UTC of Tennessee, at Chattanooga, is an employer as defined by Title VII, the ADA, the THRA and TDA.

FACTS

UNEQUAL TREATMENT BASED ON RACE

21. Mrs. Eppinger began working for the UTC in the year 2011.

22. In the year 2015, she applied for and qualified for the position of Administrative Assistant III with the UTC Facilities Division.

23. Mrs. Eppinger was supervised by Mrs. Linda Sue Stephens until her retirement from full time employment with UTC on November 30th, 2020. Mrs. Stephens is currently employed with the UTC Facilities Division on a part-time basis.

24. Mrs. Stephens job duties included responsible for Mrs. Eppinger's yearly performance reviews. Mrs. Eppinger consistently received favorable performance evaluations and was awarded yearly performance-based salary increases.

25. However, Mrs. Eppinger compensation was not at the same level as her non-African American female employees who received the same favorable reviews. Equal pay for performance issues were not addressed until she made a complaint to management.
26. Since lodging her complaint, Mrs. Eppinger has not received her yearly performance review which is due in March 31st of each year.
27. Employees who score higher than a 23 are eligible for a 5% pay raise based on yearly performance reviews. Mrs. Eppinger consistently received outstanding performance reviews, but was rated at a score at or around 23. She only received a score higher than 23% after she refused to accept a rating score of 23%.
28. In 2018, Mrs. Eppinger addressed the issue of unequal pay to her supervisor regarding two white females, Kelsey Battles and Amy Steele, who were given a higher yearly raise based on a rating above 23%. The rating to pay discrepancy was corrected with a pay increase consistent with the written evaluation and back pay.
29. Again, to receive pay equal to her performance, Mrs. Eppinger had to refuse to accept the numerical rating as presented to be compensation at a rate equal to her white counterparts.

UNEQUAL ADVANCEMENT OPPORTUNITIES BASED ON RACE.

30. In the year 2018, the Facility Division hired Amanda Winesburgh, white female, in the position of Project Coordinator.
31. Prior to being placed in the Project Coordinator position, Mrs. Winesburgh held the same position as Mrs. Eppinger as Administrative Assistant III.
32. It is Mrs. Eppinger's information and belief that the Project Coordinator position was not posted on the UTC jobs website. Therefore, if this is correct, no one other than Mrs. Winesburgh had the opportunity to apply for the position.
33. In July of 2020, Mrs. Eppinger was informed that Mrs. Winesburgh was being promoted to the position of Business Manager. Again, the Business Manager position was never posted on the UTC jobs website. Therefore, once again, Mrs. Eppinger was denied the opportunity to determine if she was in fact qualified to apply for the position.
34. On July 13, 2020, Mrs. Eppinger contacted Human Resources and requested answers to the following three questions:
- a. Why the job was not posed?
 - b. What were the qualification criteria?
 - c. How does the hiring practice fall within the EEOC guidelines?
35. According to UTC, Assistant Vice Chancellor of Human Resources, Laura Poe, the position of Business Manager is a reclassification, with revised position responsibilities specifically established for Amanda Winesburgh.

36. According to Human Resources, once it was determined that Ms. Winesburgh met the requirements for assuming duties of the revised position description, a search was not required that would result in soliciting applications or reviewing the qualifications of such applicants.

37. UTC has a long history of creating advancement opportunities (reclassification of positions) for select groups of employees.

What follows is a list of known job opportunities not posted by UTC:

1. Chelsey Ewing – Project Coordinator – 2016 – white female
2. Kellie Flood – Space Project Management – 2011 – white female
3. Rob Henry Project Coordinator – 2017 – white male
4. Anthony Storti – Logistics Analyst – white male
5. Amanda Winesburgh – Project Coordinator – 2018 – white female
6. Amanda Winesburgh – Business Manager – 2020 – white female
7. Brandon Pratt – 2020 – Manager – black male

38. This reclassification methodology significantly results in unequal promotional opportunities for people of color at UTC, as evidenced by Mrs. Eppinger.

39. Mrs. Eppinger has observed that the majority of jobs posted in Facilities are for custodians and for clerical positions.

40. Mrs. Eppinger specifically requested that Human Resources investigate the impact of the reclassification advance option in the UTC workplace, when acts as a selective promotional ladder to higher paying positions.

41. Mrs. Eppinger's promotional opportunities are limited when she was not given the opportunity to apply for the position of Project Coordinator that Mrs. Winesburgh was selectively placed in.
42. Without the posting, Mrs. Eppinger did not have the opportunity to identify skill competencies needed to qualify for the position held by her former supervisor, Mrs. Stephens.
43. Mrs. Eppinger acted as the backup for her supervisor, Mrs. Linda Sue Stephens.
44. The reclassification of the Administrative Assistant III position to a Project Manager position essentially negated any opportunity for Mrs. Eppinger to be promoted to the position held by her former supervisor, Mrs. Stephens, since the critical skills need to qualify for the position were selectively reassigned to Mrs. Winesburgh.
45. Mrs. Winesburgh in her position of Project Manager began selectively assuming core job functions assigned to Mrs. Eppinger.
46. Mrs. Eppinger addressed this issue with Mr. Tom Ellis, Vice Chancellor of UTC Facilities, and her supervisor Linda Sue Stephens, recognizing the link between certain job functions and promotional opportunity.
47. Initially Mr. Ellis address the issue and Mrs. Eppinger was able to complete her assigned job functions. Unfortunately, the encroachment on job functions by Mrs. Winesburgh continued.

48. Mrs. Eppinger informed Tom Ellis again when Mrs. Winesburgh systematically began to perform her assigned duties, specifically, travel, invoicing and payroll. Mrs. Eppinger was told to work from home. No action was taken.
49. Mrs. Eppinger has not had the same opportunity to learn or perform essential job functions that would position her for promotional opportunities as her White counterparts.
50. African American male and female applicants have had to apply for and interview for promotional opportunities to be promoted.
51. Examples include Senior Custodian positions largely held by African American applicants.

RETALIATION

52. On July 6, 2020, Mrs., Eppinger was approached by Tom Ellis, Vice Chancellor of UTC Facilities, regarding Amanda Winesburgh promotion. According to Mr. Ellis, the position was given to Amanda because she was knowledgeable campus wide, and that we were both Administrative Assistant III and he did not want to lose her.
53. On January 8th, 2021, Anthony McClellan, Executive Director of Facilities Operations, and supervisor to Mrs. Eppinger, informed Mrs. Eppinger that he overheard her speaking with Cory McGraw a fellow employee about a racial

incident that occurred on campus in which she stated "they probably got away with it".

54. Management failed to provide Mrs. Eppinger with office space after she was informed that she would be assigned to an office.

55. Mrs. Eppinger observed that Ms. Winesburgh had been moved to two different offices and is now placed in an office next to Tom Ellis, Vice Chancellor.

56. As of today's date, there are two vacant unassigned offices. Mrs. Eppinger has not been assigned a dedicated office, despite the fact that dedicated offices are available.

57. Human Resources notified Mrs. Eppinger that she was to attend a mandatory meeting with management and Human Resources. Human Resources did not disclose the reason or the subject matter of the meeting.

58. Mrs. Eppinger requested that she be represented by counsel and was advised that her counsel of record could not attend.

59. Plaintiff Eppinger subsequently received a Final Written Warning dated April 16, 2021, for behavior reportedly observed by her supervisor, Anthony McClellan, in February of 2021 between Mrs. Eppinger and Amanda Winesburgh.

60. The observed behavior referenced Mrs. Eppinger making inquiries to Amanda Winesburgh regarding the new phone system installed in the Office being used by Amanda Winesburgh.

61. UTC is an at will employer. The UTC operates under a progressive disciplinary policy which gives management the discretion to by-pass progressive discipline policy if merited.
62. The write up provides no specific description of the act in question which constituted aggressive behavior. There are no specifics that identify the behavior that give rise to the offense.
63. The UTC's stated reasons for issuing a final written warning to Mrs. Eppinger subjects Mrs. Eppinger to a hostile work environment in retaliation for her engaging in protected activity.
64. The employment action has (1) motivated by Mrs. Eppinger's challenged to the UTC's employment practices, and (2) is not based in fact.
65. Mrs. Eppinger was subjected to severe emotional distress and retaliation by co-workers she considered friends because (1) she engaged in activity protected; (2) her supervisor knew that she had engaged in protected activity; (3) her supervisor subjected her to an adverse employment action; and (4) a causal connection exists between the protected activity and the adverse employment action.
66. UTC failed to make a reasonably informed and considered decision before taking such a profound adverse employment action as a final written warning.
67. Any reasonable employee would find a final written warning so adverse, to have a chilling effect on their willingness to engaging in any further protected activity.

DAMAGES

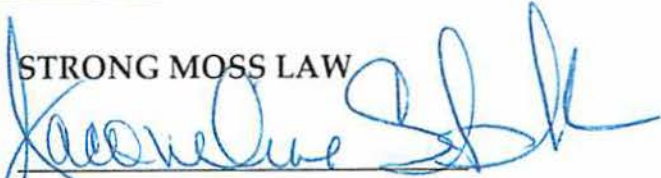
68. Mrs. Eppinger has suffered significant emotion distress. UTC intentionally violated Mrs. Eppinger's rights under both state and federal equal employment opportunity laws, acting with malice and reckless indifference to Mrs. Eppinger's civil rights, and therefore must be held liable for punitive damages.

WHEREFORE, Plaintiff respectfully prays that this Court enter judgment as follows:

1. That the Court accept jurisdiction over this matter;
2. That Defendant be served with process and required to answer within the time required by law;
3. That the Court award Plaintiff compensation for past and future loss including compensatory, liquidated, and punitive damages;
4. Award cost and reasonable attorney's fees incurred by Plaintiff in this action;
5. Grant such additional or alternative relief as the Court deems just and proper.

This being the 30 day of June, 2021.

STRONG MOSS LAW


Jacqueline Strong Moss
1089 Bailey Avenue, Suite C7
Chattanooga, TN 37404

Voice: 423-580-5621

Fax: 931-572-5483

Email: strongmosslaw@gmail.com

STATE OF TENNESSEE
COUNTY OF TENNESSEE

On this 30th day of June, 2021, before me appeared
Cathy Eppinger known personally to me to be the person
described in and who executed the foregoing instrument, and acknowledges that
he/she executed the same as his/her free act and will.

Cathy Eppinger
Mrs. Cathy Eppinger

Sworn to and subscribed before me
This 30th day of June, 2021.

Marilyn Newell
Notary Public

My commission expires: 8-22-22



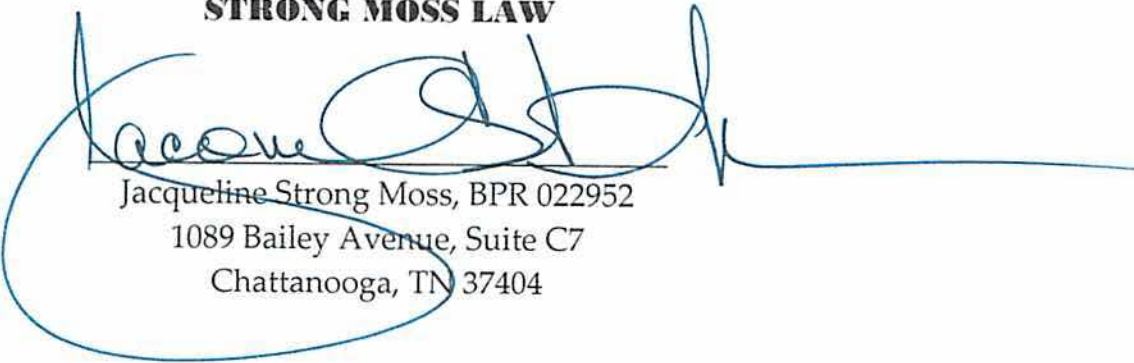
CERTIFICATE OF SERVICE

I hereby certify that the foregoing instrument was delivered to the following persons set out below by U.S. Mail postage prepaid/email

On this the 30 day of Sept 2021.

University of Tennessee at Chattanooga
c/o Yousef Hamadeh Esq.
Office of the General Counsel
615 McCallie Avenue
Chattanooga, TN 37403

STRONG MOSS LAW



Jacqueline Strong Moss, BPR 022952
1089 Bailey Avenue, Suite C7
Chattanooga, TN 37404

57

10999 Bailey Ave. 67



University of Tj Chatham
Office of General Counsel

Chattanooga, TN 37403

STRONG MOSS LAW

JACQUELINE STRONG MOSS, Esq.

Executive Suites at Bailey - 1089 Bailey Avenue, Suite C7, Chattanooga, TN, 37404

Voice : 423-580-5621 E-mail : strongmosslaw@gmail.com Fax: (931) 572-5483

HAMILTON COUNTY CIRCUIT COURT CLERK

Request To File

Date of Transmission: July 29, 2021

To: Hamilton County Circuit Court Clerk

From: Jacqueline Strong Moss, Attorney at Law, BPR 022952

Circuit Court of Hamilton County Tennessee

Cathy Eppinger,
Petitioner,

Docket No. 21C623

vs.

University of Tennessee at Chattanooga
Respondent.

☒ FOR IMMEDIATE ACTION

☒ PLEASE ACKNOWLEDGE RECEIPT

Attached, please find for filing Motion to Withdraw filed by Attorney Jacqueline Strong Moss in the above referenced matter.

Respectfully submitted,

STRONG MOSS LAW

/s/ Jacqueline Strong Moss /s/

Attorney Jacqueline Strong Moss

CONFIDENTIALITY NOTICE

The contents of this facsimile message are legally and statutorily privileged and confidential and intended only for the use of the Office of the Attorney General and Reporter. If you, the reader, are not the intended recipient, you are hereby notified that any use, transfer, dissemination, distribution, or reproduction of this telecopy is strictly prohibited and punishable by Law under T.C.A. § 37-1-612. If you receive this message in error, immediately notify the sender by telephone [423-580-5621] and return the document by U.S. Mail at the above address or destroy the same.

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

CATHY EPPINGER,
Plaintiff,

vs.

UNIVERSITY OF TENNESSEE
AT CHATTANOOGA,
Respondent.

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*
*
*
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*
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DOCKET NO: 21-C-623

DIVISION I

MOTION TO WITHDRAW

Comes now, **STRONG MOSS LAW**, Attorney Jacqueline Strong Moss, as counsel for Plaintiff, Cathy Eppinger and moves this Court pursuant to Rule 1.16 of the Tennessee Rules of Professional Conduct, and Rule 7.06 of the Hamilton County Local Rules of Civil Practice, for permission to withdraw at the request of the Plaintiff and for good cause.

WHEREFORE, Attorney Jacqueline Strong Moss, moves this honorable court for permission to withdraw as the legal representative on of Plaintiff, Cathy Eppinger, in this cause. It is further requested that Ms. Eppinger is given 45 days to obtain new legal counsel, and leave to amend her petition.

STRONG MOSS LAW

/s/ Jacqueline Strong Moss /s/

Jacqueline Strong Moss, BPR 022952
Attorney for Petitioner
1089 Bailey Avenue, Suite C7
Chattanooga, TN 37404

This Motion is Set To Be Heard On The _____ day of _____, 2021

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing pleading has been served on all parties at interest in this action by transmitting same by United States Mail, via facsimile, or hand delivery, addressed as follows:

Cathy Eppinger
Petitioner
1229 Gunbarrel Road
Chattanooga, TN 37421
keppingr@epbifi.com

Rosite Delgado
University of Tennessee at Chattanooga
Director, Office of Equity, and Inclusion
202 Human Resources Center, Dept. 5455
720 McCallie Avenue
Chattanooga, TN 37421

Tennessee Attorney General
Attention Rachel Davis
Request for Electronic Filing
tnattygen@ag.tn.gov

This the 19 day of August 2021.

/s/ Jacqueline Strong Moss /s/

BY: _____

JACQUELINE STRONG MOSS, ATTORNEY AT LAW

CATHY EPPINGER,
PLAINTIFF,

Vs.

UNIVERSITY OF TENNESSEE
AT CHATTANOOGA
DEFENDANT.

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) DIVISION I
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Case 1:21-cv-00268-KAC-CHS Document 1-1 Filed 11/01/21 Page 22 of 110 PageID #: 26

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice has been filed electronically to the Plaintiff, Cathy Eppinger, at keppingr@epbfi.com and to the Defendant, Michael D. Fitzgerald, Associate General Counsel The University of Tennessee, Office of the General Counsel, at mike.fitzgerald@tennessee.edu.

This the 26th day of August, 2021.

/s/ Jacqueline Strong Moss /s/

Jacqueline Strong Moss, Esq.

CIRCUIT COURT HAMILTON COUNTY TENNESSEE

CATHY EPPINGER

Plaintiff,

V.

UNIVERSITY OF TENNESSEE

AT CHATTANOOGA

Defendant.



DOCKET NO. 21C623

DIVISION I

JURY TRIAL DEMANDED

FILED IN OCT 11 2021 OCT -1 PM 1:10
LAWYER RECEIVED
BY [signature]

PLAINTIFF MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Pursuant to Rule 15(a) of the Circuit Court Hamilton County, Plaintiff Cathy Eppinger ("Eppinger"), Plaintiff, in the above style action, by and through *pro se* respectfully move the Court for leave to file the attached Amended Complaint and files her Verified Complaint for Damages and Demand for Jury Trial. Rule 15 provides that "a party may amend its pleading [with] the court's leave" and that "[t]he court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Plaintiffs move to file the Amended Complaint within the time permitted by the Court. Allowing Plaintiffs to file the Amended Complaint would serve justice and promote judicial efficiency. Further, there would be no substantial or undue prejudice, bad faith, undue delay, or futility. In support of thereof, Eppinger, plaintiff respectfully provides the court as Follows:

Based on facts and information provided on July 1, 2021, filings, Plaintiff Seek leave to amend the original Complaint based on Retaliation engaged in protected activity to add exclusion, psychological (*isolation*), verbal (*yelling tirade*) harassment, and disciplinary actions. Through the proposed Amended Complaint, Plaintiff also Seek additional adverse action of reduced job duties, "*invoicing, and payroll encroachment continued*", and given to two higher paying colleagues in which one was a former Administrative Assistant as Eppinger, and another selectively hired in Higher roles identical to Administrative Assistant with less duties (Exhibit 1.5). In addition, on August 27, 2021, Kelsey Battles, white female, less than 40 years of age,

Work Control Coordinator, shared with Eppinger her February 2021 promotion in a lead role. The university continued to promote those of selective groups after December 9, 2020, notification sent by THRC alleging compliant filed under Tennessee Human Rights Acts and/or the Tennessee Disability Act, alleging employment discrimination on one or more of the following bases: race, color, national origin, gender, religion, creed, age, and/or disability. On September 9, 2021, Eppinger opened an inquiry with EEOC- retaliation while engaged in protected activity and is awaiting processing (Exhibit v1.1)). Plaintiff Eppinger files AMEND complaint in this case as a placeholder to preserve Eppinger's right to pursue all available employment discrimination and retaliation claims under state and federal law.

AMENDED RETALIATION

1. Amanda Winesburg "*Winesburgh*", Business Manager, and Debby Corey "*Corey*", Motor Pool Coordinator, both of Facilities Operations. On April 13, 2021, Winesburgh completed payroll of a part-time employee and a student assistant both of Facilities Operations, which is Eppinger's assigned payroll duty. "*Names will be mentioned after EEOC investigation.*" (Exhibit v1.2)

2. According to Winesburgh's email dated April 15, 2021, Winesburgh was unaware of payroll completion and time sheet was not signed by a student assistant of Facilities Operations until Monday, April 12, 2021, but according to Eppinger's bi-weekly time sheet (Exhibit v1.2.2), Eppinger worked eight hours on Monday, April 12, 2021, seven hours on the Tuesday, April 13, 2021, and eight hours on Wednesday, April 14, 2021. According to Freddie Perutelli, Total Compensation Specialist email, dated May 11, 2021, payroll can be keyed up until Wednesday at 11:00 am, and Winesburgh office is accessible to Eppinger's workstation. (Exhibit v1.2.3).

3. On April 15, 2021, Winesburgh notified Eppinger via email after her altercation on April 15, 2021, with Anthony McClellan "*McClellan*", Executive Director of Facilities Operations, Eppinger's direct supervisor, according to Eppinger, Winesburgh/McClellan often met before/after McClellan calls Eppinger for any type meetings, example see exhibit 1.19 dates.

4. According to Winesburgh's email dated April 15, 2021, "new hire notification", Linda Sue Stephens "*Stephens*", part-time retiree of Facilities Operations, and according to Eppinger, Stephens often notified Eppinger, and had in fact notified Eppinger one week prior to new hire start date.

5. On August 12, 2021, Eppinger inquired of Corey submission of invoice to accounting services, which is Eppinger's assigned job duty. On August 17, 2021, email from "McClellan", authorized Corey to enter Motor pool invoices in which Eppinger has done for the last 5 years despite Eppinger's knowledgeable of IRIS data entry, Eppinger was excluded from the meeting, and/or asked if interested in IRIS data entry input. (Exhibit v1.3)

6. On March 8, 2021, via zoom meeting, Stephens announced Kelsey Battles' promotion, and thereafter, Eppinger inquired of McClellan "*was the position posted*", McClellan answered, "*I know where you are going with this.*" (Exhibit v1.20)

7. On April 9, 2020, Plaintiff, Eppinger inquired of Joey Chestnut, Buyer "*Chestnut*" "*reorganized invoicing and/or*", approved by Vice Chancellor of Facilities Operations, Tom Ellis. According to Chestnut via text message of which Eppinger exposed to McClellan text message read, "*no, this is a test drive.*" Again, Plaintiff, Eppinger excluded from planning of her assigned duties.

8. April 14, 2021, Eppinger informed McClellan, Winesburgh had completed Eppinger's assigned payroll and rather than address the situation, McClellan's discriminatory treatment towards Eppinger, overturn the issue to new phone system, referring to Eppinger inquired of Winesburgh, "*will everyone get a new phone,*" Winesburgh was the only employee in the Facility department with a new phone (Exhibit v1.4).

9. Plaintiff, Eppinger inquired of Business Manager, "Winesburgh" who coordinated Facilities' new phone system, and then Mr. McClellan in a "yelling tirade," "*get out of my office*" as if, Eppinger was causing an altercation subjecting her to team ridicule. Then afterwards, McClellan laughed. (Exhibit v1.4).

10. On April 9, 2020, continued through August 17, 2021, Winesburgh isolated Eppinger from her colleagues by not including her in staff meetings that involved, Eppinger's assigned invoicing duties, and retirement planning of her previous supervisor Stephens. (Exhibit v1.4.1)

11. Stephens retired on November 30, 2020, making \$26 hourly, and returned part-time at \$27 hourly assigned half of Administrative Assistant duties, and at this time Eppinger was only making \$15.14 hourly with far more duties. (Exhibit v1.5.1)

12. Tom Ellis, Vice Chancellor of Facilities Operations disapproved Plaintiff, Eppinger for a four-ten work week requested during COVID-19, when other Male colleagues were approved for the months of January, February, and August of 2021 is as follows (Exhibit v1.6):

1. Darryl Clay, Building Services, black male
2. Dagbir Seke, Building Services, black male
3. Jonah Williams, Electrical, white male
4. Joey Chestnut, Facilities Buyer/Supervisor, white male
5. Jerry Ball, Facilities Electrical, white male
6. Roger Costner, Electrical, white male
7. Derrick Rann, Electrical, white male

13. As of September 2021, Debby Corey, Motor Pool Coordinator, white female recently granted approval to work from home and has an office with a door, and Eppinger works in an open area disapproved. (Exhibit v1.6)

14. On March 2021, removal of assigned invoicing and reassigned to Winesburgh, and October 29, 2020, employee exempt status was disapproved for Eppinger, when her white colleagues in similar job duties were approved, Winesburgh April 1, 2019, and Corey May 17, 2019.

15. Winesburgh exempt status as of April 1, 2019, hire date May 28, 2018, former position Administrative Assistant III, and Eppinger's hire date in Facilities Operation the year of September 2015. This discriminatory and retaliatory treatment caused Eppinger to suffer from panic attacks, depression, hair/weight lost and humiliation.

PRELIMINARY STATEMENT

16. Plaintiff Eppinger brings this action against the University of Tennessee at Chattanooga ("UTC") for violations of Tennessee State Law, including violations of the Tennessee Human Rights Act (the "THRA") pursuant to T.C.A. § 4-21-101 *et seq.*, and tort claims including Intentional Infliction of Emotional Distress, Negligent Infliction of Emotional Distress, Punitive Damages, and Litigation Expenses.

17. Eppinger employment with the UTC began in November of 2011 and encountered system racism with the UTC promotion system.

18. As a member of protected class, African American and female, Eppinger has been denied equal access to opportunities to apply for and be promoted to positions which she is qualified to perform based on her race. (Exhibit v1.7)

19. Eppinger holds a Bachelor of Science degree from Covenant College in Organizational Management, Associate of Applied Science in Office Administration, and has work with the UTC system for ten years. (Exhibit v1.8) and (Exhibit v1.8.1)

20. In her current position as Administrative Assistant III, with the UTC Facilities Division, Eppinger has consistently received favorable performance reviews. (*Exhibit v1.9*) She has performed at the exceptional level, meeting or exceeding all the requirements of her current position as an Administrative Assistant III.

21. She has gained the respect and cooperation of her colleagues through her hard work and dedication to the University.

22. Despite Eppinger's performance, she has not afforded the same employment opportunities as her Non-African American peers, and she has been subjected to discrimination, intimidation, harassment, and retaliation when she has opposed systemic racism in UTC's promotion practices. As a result, Eppinger has suffered significant emotional and monetary damages during her tenure with the University.

JURISDICTION

23. The Hamilton County Circuit Court has jurisdiction over this action in that this is a civil action arising under Tennessee state and local laws pursuant to the Tennessee Human Rights Act.

VENUE

24. Venue is proper in this Court. The events giving rise to Eppinger's equal employment opportunity claims occurred in Hamilton County, Tennessee.

CONDITION PRECEDENT

25. On July 1, 2020, Eppinger timely filed an initial inquiry with the Equal Employment Opportunity Commission (EEOC) and Eppinger's claim was transferred to the TN Human Rights Commission ("THRC") for processing. THRC#3-025-21; EEOC# 25A-2021-00042C

26. Eppinger's complaint contains allegations of systemic discrimination based on race, unequal access to promotional opportunity based on race, equal pay, and performance evaluations.

27. On December 19, 2020, (Exhibit v1.10) Eppinger did in fact agree to mediate her discrimination claims through the THRC. However, due to complication from COVID 19, the mediation timeline was delayed and could not be scheduled until late July. (Exhibit v1.11)

28. On June 21, 2021, Eppinger requested a right to sue letter from the TN Human Rights Commission which was forwarded to the EEOC and received on July 8, 2021. (Exhibit v1.12)

29. July 1, 2021, complaint was presented to preserve Eppinger's right to pursue all available employment discrimination claims under state and federal law.

30. Eppinger has fully complied with all prerequisites to jurisdiction in this Court under the laws of the State of Tennessee.

PARTIES

31. Eppinger is a woman of African American descent, who is an individual citizen and resident of the State of Tennessee, County of Hamilton.

32. Eppinger is an employee of the University of Tennessee, at Chattanooga (UTC), as defined by Title VII, the ADA, the THRA, and the TDA.

33. Defendant, University of Tennessee, at Chattanooga (UTC), is an employer as defined by Title II, the ADA, the THRA and TDA.

FACTS

UNEQUAL TREATMENT BASED ON RACE

34. Eppinger began working for the UTC in the year 2011.

35. In the year 2015, she applied and qualified for the position of Administrative Assistant III with the UTC Facilities Division.

36. Eppinger was supervised by Linda Sue Stephens until her retirement from full time employment with UTC on November 30, 2020. Stephens is currently employed with the UTC Facilities Operations on a part-time basis.

37. Stephen's job duties included responsible for Eppinger's yearly performance reviews. Eppinger consistently received favorable performance evaluations and was awarded yearly performances-based salary increases. (Exhibit v1.9)

38. However, Eppinger compensation was not at the same level as her Non-African American female employees who received the same favorable reviews. Equal pay for performance issues were not addressed until she made a complaint to management.

39. Since lodging her complaint, Eppinger has not received her yearly performance reviews which is due on March 31st of each year (Exhibit v1.13).

40. According to Donnie Hodge, supervisor of Facilities Operation & Maintenance, and Linda Sue Stephens, former supervisor of Administrative Assistant now part-time basis, employees shared a score higher than a twenty-three (23) are eligible up to a 5% pay raised on yearly performance reviews. Eppinger consistently received outstanding performance reviews but was rated at a score at of twenty-three (23) each year. She only received a score higher than (23) after she refused to accept a rating score of (23).

41. In 2018, Eppinger addressed the issue of unequal pay to her supervisor regarding two white females, Kelsey Battles, and Amy Steele, who were given a higher yearly raise based on a rating above 23%. The rating to pay discrepancy was corrected with a pay increase consistent with the written evaluation and back pay.

42. Again, to received pay equal to her performance, Eppinger had to refuse to accept the numerical rating as presented to be compensation at a rate equal to her white counterparts. (Exhibit v1.9)

43. On December 9, 2021, Tennessee Human Right Commission sent notification to Rosite Delgado, Director of Equity and Inclusion of filed complaint employment discrimination. (Exhibit v1.10)

44. Two days later December 11, 2020, Eppinger was called in the office for a pay raise of \$3.86, while Winesburgh received a \$12.00 dollar with less qualification and assigned duties are identical to Eppinger's assigned duties. (Exhibit v1.14) and (Exhibit v1.21)

UNEQUAL ADVANCEMENT OPPORTUNITIES BASED ON RACE

45. In the year 2018, May 28th, the Facility Division hired Amanda Winesburgh, white female, in the position of Project Coordinator, April 1, 2019, from non-exempt to exempt status, April 2020 promoted to Business Manager.

46. In October 2020, Eppinger inquired of Ellis interest in exempt status and was told there are certain criteria that one must meet to be an exempt employee.

47. Prior to being placed in the Project Coordinator position, Winesburgh held the same position as Eppinger an Administrative Assistant III.

48. It is Eppinger's information and belief that the Project Coordinator position was not posted on the UTC jobs website. Therefore, if this is correct, no one other than Winesburgh had the opportunity to apply for the position.

49. In July of 2020, Eppinger was informed that Ms. Winesburgh was being promoted to the position of Business Manager. Again, the Business Manager position was never posted on the UTC jobs website. Therefore, once again, Eppinger was denied the opportunity to determine if she was in fact qualified to apply for the position and Eppinger contends that Defendant discriminated against her based on her race and sex is a violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e ("Title VII").

50. On July 13, 2020, Eppinger contacted Human Resources and requested answers to the following three questions (Exhibit v1.15), and (Exhibit v1.15.2)

- a. why the job was not posted?
- b. what were the qualification criteria?
- c. how does the hiring practice fall within the EEOC guidelines?

51. According to UTC, Assistant Vice Chancellor of Human Resources, Laure Pou, the position of Business Manager is a reclassification with revised position responsibilities specifically established for Amanda Winesburgh. (Exhibit v1.15.2)

52. According to Human Resources, once it was determined that Ms. Winesburgh met the requirements for assuming duties of the revised position description, a search was not required that would result in soliciting applications are reviewing the qualifications of such applicants. (Exhibit v1.15.2)

53. UTC has a long history of creating advancement opportunities (reclassification of positions) for select groups of employees.

What follows is a list of known job opportunities not posted by UTC:

1. Chelsey Ewing – Project Coordinator -2016 – white female
2. Kellie Flood – Space Project Management – 2011 – white female
3. Rob Henry Project Coordinator – 2017 – white female
4. Anthony Storti – Logistics Analyst – white female
5. Amanda Winesburgh – Project Coordinator – 2018- white female
6. Brandon Pratt – 2020 – Supervisor – black male

54. This reclassification methodology significantly results in unequal promotional opportunities for people of color at UTC, as evidenced by Plaintiff, Eppinger.

55. Eppinger has observed that majority of jobs posted in Facilities are for custodian and for clerical positions. (Exhibit v1.16.) and (Exhibit v1.16.2)

56. Eppinger specifically requested that Human Resources investigate the impact of the reclassification advance option in the UTC workplace, when acts as a selective promotional ladder to higher paying positions. (Exhibit v1.11)

57. Eppinger's promotional opportunities are limited when she was not given the opportunity to apply for the position of Project Coordinator that Winesburgh was selectively placed in.

58. Without the posting, Eppinger did not have the opportunity to identify skill competencies needed to qualify for the position held by her former supervisor, Stephens.

59. Eppinger acted as the backup for her supervisor, Stephens.

60. The reclassification of the Administrative Assistant III position to a Project Manager position essentially negated any opportunity for Eppinger to be promoted to the position held by her former supervisor, Stephens, since the critical skills need to qualify for the position were selectively reassigned to Winesburgh.

61. Winesburgh in her position of Project Manager began selectively assuming core job functions assigned to Eppinger.

62. Eppinger addressed this issue with Mr. Tom Ellis, "Ellis", Vice Chancellor of UTC Facilities, and her supervisor Stephens, recognizing the link between certain job functions and promotional opportunity.

63. Initially, Ellis addresses the issue and Eppinger was able to complete her assigned job functions. Unfortunately, the encroachment on job functions by Winesburgh continued. (Exhibit v1.2)

64. Eppinger informed Tom Ellis again when Ms. Winesburgh systematically began to perform her assigned duties, specifically, travel, invoicing and payroll, example payroll. Eppinger was told to work from home. (Exhibit v1.2)

65. No action was taken, and Eppinger has not had the same opportunity to learn or perform essential job functions that would position her for promotional opportunities as her White counterparts.

66. African American male and female applicants have had to apply for and interview for promotional opportunities to be promoted.

67. Myra Armstrong, black female, and Freddy Sturdivant black male, both are supervisors of Building Services, Facilities Operations were interviewed by McClellan in 2019.

68. Examples include Senior Custodian positions largely held by African American applicants.

69. On July 6, 2020, Eppinger, inquired of Tom Ellis, Vice Chancellor of UTC Facilities, regarding Winesburgh's promotion. According to Mr. Ellis, the position was given to Ms. Winesburgh because she was knowledgeable campus wide, and that he did not want to lose her.

RETALIATION AFTER ENGAGING IN PROTECTED ACTIVITY

70. On December 31, 2020, McClellan instant message Eppinger to schedule a meeting, unsuccessful with location, McClellan then stated via telephone of UTCs investigation, Eppinger immediately switched to work related issues, McClellan ended the call. (Exhibit v1.17)

71. Later that evening on December 31, 2020, McClellan called back with Eppinger on a three-way with Julie Brown, Human Relations of Human Resources. According to Eppinger the phone call felt uncomfortable, therefore, Eppinger asked to reschedule a face-to face meeting. (Exhibit v1.17.2) and (Exhibit v1.17.3)

72. January 8, 2021, the meeting was schedule when McClellan begin to bring interrogation protecting Winesburgh, after the meeting McClellan slam work in Eppinger's inbox, discontinued good mornings, walks in Eppinger's pathway causes Eppinger to move, and reminded 2 colleagues "Pou" and "Ellis" of Eppinger hearing aids in meetings, examples, "*she cannot hear and/or "did you not hear him"*". Immediately, after the meeting Corey McGraw,

supervisor of Building Services, approached my desk and stated that McClellan was not happy with meeting. (Exhibit v1.17.4)

73. On January 8, 2021, Anthony McClellan, Executive Director of Facilities Operations, and supervisor to Eppinger, informed Ms. Eppinger that he overheard her speaking with Corey McGraw, Facilities Operations supervisor of Building Services regarding a racial incident that occurred on campus in which she stated, *“they probably got away with it.”*

74. Management failed to provide Eppinger with office space after she was informed on October 29, 2020, by Ellis that she would be assigned to an office. Eppinger observed that Winesburgh had been moved to two different offices and is now placed in an office next to Ellis, Vice Chancellor. On December 16, 2020, McClellan informed Eppinger that Ellis is still seeking office space for Eppinger. (Exhibit v1.18)

75. As of September 2020, there are three vacant unassigned offices, and Eppinger has not been assigned a dedicated office, even though dedicated offices are available.

76. On April 16, 2021, Eppinger was notified via email that she was to attend a mandatory meeting with McClellan ‘cc’ Laure Pou, “Pou” Vice Chancellor of Human Resources. Human Resources, and/or McClellan did not disclose the reason or the subject matter of the meeting. (Exhibit v1.19)

77. Eppinger requested that she be present with Julie Brown, UT Director of Employee Relations, and was advised that Brown was unavailable on that date. (Exhibit v1.19.3)

78. Eppinger requested that she be present by counsel and was advised that her counsel of record could not attend. Eppinger scheduled an appointment with Brown on Monday May 3, 2021, but later cancelled due to lack of support from the University (Exhibit v1.19.6)

79. Eppinger subsequently received a Final Written Warning dated April 16, 2021, for behavior reportedly observed by her supervisor, Anthony McClellan, in February of 2021 between Eppinger and Winesburgh (Exhibit v1.19).

80. The observed behavior referenced Eppinger making inquiries to Amanda Winesburgh regarding the new phone system installed in the office being used by Winesburgh. According to Eppinger, made inquiries of Facilities department receiving a new phone identical to Winesburgh, which was coordinated by Winesburgh in April 2021. (Exhibit v1.4)

81. The write up provides no specific description of the act in question which constituted aggressive behavior. There are no specifics that identify the behavior that give rise to the offense.

82. The stated reasons for issuing a final written warning to Eppinger subjects Eppinger to a hostile work environment in retaliation for she is engaging in protected activity.

83. The employment action, has (1) motivated by Eppinger's challenged to the UTC's employment practices, and (2) is not based in fact.

84. Eppinger was subjected to server emotional distress and retaliation by co-workers she considered friends because (1) she engaged in activity protected; (2) her supervisor knew that she had engaged in protected activity; (3) her supervisor subjected her to an adverse employment action; and (4) a causal connection exists between the protected activity and the adverse employment action.

85. UTC failed to make a reasonably informed and considered decision before taking such a profound adverse employment action as a final written warning.

86. Any reasonable employee would find a final written warning so adverse, to have a chilling effect on their willingness to engaging in any further protected activity.

UNEQUAL TREATMENT BASED ON RACE – DISCIPLINARY ACTIONS

87. Exempt employees at the University are paid monthly, annual leave/sick leave must be deviated for the month, or an employee will Auto full payment. It is policy that exempt employees deviate all leave time.

88. Employee white female (confidentiality), worked for the University from 2015 – 2021, often absent, and leave time was often Not deviated and according to Eppinger, Stephens often shared employee (confidentiality) non-deviations. Employee(confidentiality) purposely

delayed deviation to accrue time and after Stephen's retirement in November of 2020, Eppinger was assigned monthly payroll and constantly pushed the issue with her manager. "*Name will be mentioned after EEOC investigation*".

89. The employee (confidentiality) wrongfully obtained salary payments for six years, falsified annual and sick leave, in contrast to Eppinger's Final Written Warning with No written warnings to employee's (confidentiality) falsified leave time from 2015-2021. 8 U.S. Code § 1324c.

DAMAGES

90. Eppinger has suffered significant emotion distress. UTC intentionally violated Eppinger's right under both state and Federal equal employment opportunity laws, acting with malice and reckless indifference to Eppinger's civil rights, and therefore must be held liable for punitive damages.

WHEREFORE, Plaintiff respectfully prays that this Court enter judgement as follows:

1. That the Court accept jurisdiction over this matter.
2. That Defendant be served with process and required to answer within the time required by law.
3. That the Court award Plaintiff compensation for past and future loss including compensatory, liquidated, and punitive damages.
4. Award cost and court fees incurred by Plaintiff in this action.
5. Grant such additional or alternative relief as the Court deems just and proper.
6. Demand a full investigation of Systemic Discrimination by EEOC

This being the 1st day of October 2021


Cathy Eppinger, *pro se* Plaintiff
1229 Gunbarrel Road
Chattanooga, Tennessee 37421
Voice: 423-994-3777
Email: keppingr@epbfi.com

STATE OF TENNESSEE
COUNTY OF TENNESSEE

On this 1st day of October, 2021 before me appeared
Cathy Eppinger known personally to me to be the person described in and who
executed the forgoing instrument and acknowledges that he/she executed the same as his/her free
act and will.


Cathy Eppinger, *pro se* Plaintiff
1229 Gunbarrel Road
Chattanooga, Tennessee 37421
Voice: 423-994-3777
Email: keppingr@epbfi.com

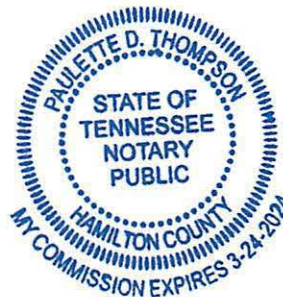
Sworn to and subscribed before me

This 1st day of October 2021



Notary Public

My commission expires: 3/24/2024



CERTIFICATE OF SERVICE

I hereby certify that the foregoing instrument was delivered to the following persons set out below by U.S. Mail/FedEx postage prepaid

On this 1st day of October 2021

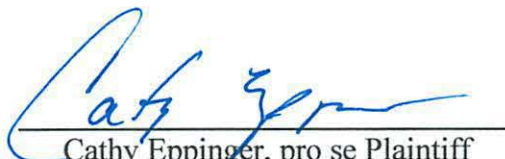
UNIVERSITY OF TENNESSEE AT CHATTANOOGA

c/o Yousef Hamadeh Esq.
Office of the General Counsel
615 McCallie Avenue
Chattanooga, TN 37403

THE UNIVESITY OF TENNESSEE

Michael Douglas Fitzgerald, BPR 020079
Attorney of Record, Defendant University of TN
E-mailed: mfitzge8@utk.edu
719 Andy Holt Tower
1331 Circle Park Drive
Knoxville, TN 37996

CATHY EPPINGER


Cathy Eppinger, pro se Plaintiff
E-mailed: keppingr@epbfi.com
1229 Gunbarrel Road
Chattanooga, TN 37421

POTENTIAL CHARGING PARTY'S DEMOGRAPHICS

Gender: F

Disabled: I have a disability

Are you Hispanic or Latino? not hispanic or latino

Ethnicity: Black or African American,

National Origin: American(U.S.)

Adverse Action(s)

RETALIATION ? Engaging in Protected Activity

Extension to:

THRC# 3-014-21; EEOC# 25A-2021-00042C

RE: CATHY EPPINGER v. UNIVERSITY OF TENNESSEE AT CHATTANOOGA

Lead supervisor role not posted: Kelsey Battles, age under 40, white female,
On Friday, August 27, 2021 Battles shared, her promotion.

job duties removed: exclusion, psychological isolation/verbal yelling tirade
?invoicing removal,? given to Debby Corey, Training was offered to
colleague. I was excluded from meetings.

Final Written Warning: April 14, 2021, Mr. McClellan in a ?yelling tirade,? ?get
out of my office? as if, I was causing an altercation subjecting me to team
ridicule. Then afterwards, he laughed. I subsequently received a Final Written
Warning dated April 16, 2021.

Unequal treatment based on race -Disciplinary Actions: Lisa Darger, white
female, Wrongfully obtained salary payments for six years. Please contrast
this with my final written warning, with Darger?s falsified leave time, which is
a crime.

Supplemental Information

What Reason(s) were you given for the action taken against you?

N/A

Exhibit
F

Was anyone in a similar situation treated the same, better, or worse than you?

Same - Promoted to supervisor as Kelsey Battles. Brandon Pratt, male black, but they all are lunch buddies.

Discipline - white Americans @ the University are always treated better.

Please provide name(s) and email and/or phone number of anyone who will support your claim, and briefly describe the information this person will provide.

Names confirm that Kelsey Battles was promoted to lead Supervisor position:

Linda Sue-Stephens@utc.edu

Anthony-McClellan@utc.edu

Corey-McGraw@utc.edu

Debra-Corey@utc.edu

Timesheet issue with Lisa Darger from 2015-2021:

Kenny-Tyler@utc.edu

Linda-Stephens@utc.edu

Please tell us any other information about your experience?

Covid-19 selective groups could work 4-10's majority were men, but my request to work 4-10's my request was denied.

Excluded from meetings that involves my job duties.

EEOC (INQUIRY) NUMBER: 494-2021-02639

Inquiry Information

REASON(S) FOR CLAIM

Date of Incident (Approximate): 09/09/2021

Reason for Complaint: Race, Age - I am 40 years of age or older, Retaliation - I filed a charge of job discrimination about any of the above, Retaliation - I contacted a government agency to complain about job discrimination, Retaliation - I complained to my employer about job discrimination

Pay Disparity:

Location of Incident: Tennessee

Submission (initial inquiry) Date: 09/09/2021

Claim previously filed as charge with EEOC? No

Approximate Date of Filing: N/A

Charge Number: N/A

Claim previously filed as complaint with another Agency? No

Agency Name: N/A

Approximate Date of Filing: N/A

Nature of Complaint: N/A

INQUIRY OFFICE

Receiving: Nashville Area Office

Accountable: Nashville Area Office

APPOINTMENT

Appointment Date and time: 12/07/2021 01:00 PM US/Central

Interview Type: Phone

APPROXIMATE DEADLINE FOR FILING A CHARGE: 07/07/2022

POTENTIAL CHARGING PARTY

First Name, Middle Initial: Cathy

Last Name: Eppinger

Street or Mailing Address: 1229 Gunbarrel Road

Address Line 2:

City, State, Zip: CHATTANOOGA, TN, 37421

Country:

Year of Birth: 1964

Email Address: keppingr@bellsouth.net

Home Phone Number: 423-994-3777

Cell Phone Number: 423-994-3777

RESPONDENT/Employer

Organization Name: UNIVERSITY OF TENNESSEE AT CHATTANOOGA (UTC)

Type of Employer: State or Local Government that I applied to, work for, or worked for

Number of Employees: 20 or more employees

Street or Mailing Address: 615 McCallie Avenue

Address Line 2:

City, State, Zip Code: CHATTANOOGA, TN, 37403

County: TN

Phone Number: (423) 994-3777

RESPONDENT CONTACT

First and Last Name: Laure Pou

Email Address: keppingr@bellsouth.net

Phone Number:

Title: Human Resources Director or Owner

LOCATION OF POTENTIAL CHARGING PARTY'S EMPLOYMENT

Street or Mailing Address:

Address Line 2:

City, State, Zip Code:

County:

Eppinger, Cathy

From: Winesburgh, Amanda Winesburgh
Sent: Thursday, April 15, 2021 9:29 AM
To: Eppinger, Cathy
Subject: 2 New Bi-Weekly Payroll Staff

Exhibit
Volume 1.2.

Good morning Cathy, I wanted to update you on the two new hires that will be turning in bi-weekly payroll to you moving forward. The first entry for [redacted] was done by me when you were out the other week, and this most recent one she didn't sign until this Monday and I had thought you had already keyed all the bi-weekly time so I entered hers and [redacted]. I have let them both know that they need to have their time sheets in the Friday before the pay period ends and will make sure that Danny knows to sign these and get them to you to be entered.

- [redacted] (Personnel) / Position: Temp/ Consultant – E047201 \$50.00 hourly - reports to Danny West
- [redacted] (Personnel) / Position: Facilities Student Assistant – E047201 \$12.00 hourly – reports to Danny West

In the future when there are new people being brought on board I will email you as soon as they are active in IRIS, and will direct them to you for time sheet instructions if that works best for you?

Thanks so much,

Amanda

P/s. Note:

*— This Monday, April 12, 2021, SEE Eppinger's timesheet
Eppinger worked 8 hours on this Day.*

*— Stephens' responsibility is to notify Eppinger
New employees, and according to Eppinger
Stephens' Notified via phone*

*— Latest to Enter Time is Wednesday, All
ADs are aware of this.*

Biweekly Time Report

Pay Period Ending 4/25/2021



Employee Name Cathy Eppinger
 Personnel Number
 Weekly Work Hours 40.0

Cost Center/WBS E047201
 Position
 Rate / hour

Week # 1	12-Apr	13-Apr	14-Apr	15-Apr	16-Apr	17-Apr	18-Apr	
Attend/Absence	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total
RG1	8	7	8	8	8			39
CBT		1						1
								0
								0
								0
								0
								0
								0
Total:	8	8	8	8	8	0	0	40

Special Pay Units		
Code	Units	
		YCL2 Call Pay - 2
		YCLB Call Pay - B
		YCLF Call Pay - F
		YCLI Call Pay - I
		YCLJ Call Pay - J
		YCLK Call Pay - K
		YCLL Call Pay - L
		YCLS Call Pay - S
		YCLT Call Pay - T
		ZCGM Charge Pay - M

Week # 2	19-Apr	20-Apr	21-Apr	22-Apr	23-Apr	24-Apr	25-Apr	
Attend/Absence	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Total
RG1	8	8	8	8	8			40
								0
								0
								0
								0
								0
								0
								0
Total:	8	8	8	8	8	0	0	40

Special Pay Units		
Code	Units	

Total 80.00 ✓

Notes:

- 1) Report all time in hours and hundredths of hours.
- 2) Use decimals rather than fractions.
- 3) This report should include absence and attendance hours only for this position.
- 4) Account for all hours in the entire work week.

The above is a true statement of hour attendances/absences for the University of Tennessee for the weeks ending on the dates listed above. Signed and certified to be true.

Exhibit 1.2-4

Absence Types				x = shift indicator (1,2,3)
ACx	Admin Close (Scheduled)	DHx	Deferred Holiday	
UACx	Admin Close (Unscheduled)	HLx	Holiday	
ALx	Annual Leave	MLx	Military Leave	
FLx	Bereavement Leave	PDx	Personal Day	
CTOx	Compensatory Time Off	SLx	Sick Leave	
CLx	Court Leave	VLx	Voting Leave	

Attendance Types	
CTBx	Comp Time Banked
FML	Family Medical Leave
RGx	Regular Hours
WKCR	Workers' Comp

Employee Signature *Cathy Eppinger*
 Departmental Approver *Anthony McCall*

Date 4/26/21
 Date 05/03/21

Eppinger, Cathy

From: Perutelli, Freddie
Sent: Tuesday, May 11, 2021 12:09 PM
To: Eppinger, Cathy
Subject: RE: Bi-weekly Time Sheets

Good afternoon Cathy,

The time sheets should be approved by 10:30am, 11:00am at the absolute latest.

Thank you,

Freddie Perutelli
Total Compensation Specialist
University of Tennessee at Chattanooga
720 McCallie Avenue
Chattanooga, TN 37403
Phone: (423) 425-4473
Fax: (423) 425-4574



From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Tuesday, May 11, 2021 11:34 AM
To: Perutelli, Freddie <freddie-perutelli@utc.edu>
Subject: Bi-weekly Time Sheets

Hi Freddie,
What is the latest to have time sheets approved on Wednesday?

Thanks,

Cathy Eppinger
Administrative Assistant III
Facilities Planning & Management
615 McCallie Avenue, Dept. 3553
Chattanooga, Tennessee 37403
Phone: 423-425-4018 Fax: 423-425-4749
Cathy-Eppinger@utc.edu



Exhibit
V.3

Eppinger, Cathy

From: McClellan, Anthony
Sent: Tuesday, August 17, 2021 2:20 PM
To: Chesnutt, Joey; Hood, Kenneth; Eppinger, Cathy; Battles, Kelsey; Winesburgh, Amanda
Winesburgh; Stephens, Linda Sue
Cc: Corey, Debby
Subject: Motorpool Invoices

Good afternoon,

This is a heads up that I've authorized Debby Corey to enter Motorpool invoices directly into IRIS for payment. Also, in anticipation of the department making much needed revisions to our invoicing processes, I've advised Debby to refrain from using FPM Ledgers to log these invoices.

Thanks and let me know if you have any questions.

Anthony McClellan

Executive Director of Facilities Operations

The University of Tennessee at Chattanooga



EX-11.3
11/1/21
11/1/21

Eppinger, Cathy

From: Winesburgh, Amanda Winesburgh
Sent: Monday, April 12, 2021 9:28 AM
To: West, Danny; Charland, Chris; Pratt, Brandon; Eppinger, Cathy; Hodge, Donnie; Tyler, Kenny; Wells, Michal; Ewing, Chelsie; Ellis, Tom M; Stephens, Linda Sue; McClellan, Anthony; Corey, Debby; Flood, Kelli; Darger, Lisa; Henry, Rob; Battles, Kelsey
Subject: Update on New Phones - FW: New Phones -Install Tomorrow

Good morning , it seems we have some issues with the new phones that were installed last week. I just got off the phone with telecom and they will work on getting this resolved before lunch time today.

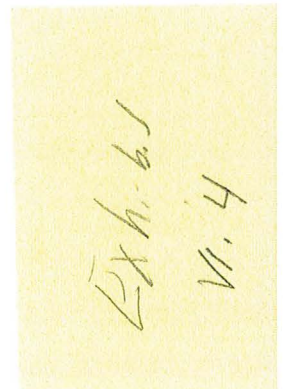
Thank you for your patience,
Amanda

From: Winesburgh, Amanda Winesburgh
Sent: Wednesday, April 7, 2021 11:05 AM
To: West, Danny <Danny-West@utc.edu>; Charland, Chris <Chris-Charland@utc.edu>; Pratt, Brandon <brandon-pratt@utc.edu>; Eppinger, Cathy <Cathy-Eppinger@utc.edu>; Hodge, Donnie <Donnie-Hodge@utc.edu>; Tyler, Kenny <kenny-tyler@utc.edu>; Wells, Michal <Michal-Wells@utc.edu>; Ewing, Chelsie <Chelsie-Ewing@utc.edu>; Ellis, Tom M <Tom-Ellis@utc.edu>; Stephens, Linda Sue <Linda-Stephens@utc.edu>; McClellan, Anthony <anthony-mcclellan@utc.edu>; Corey, Debby <Debby-Corey@utc.edu>; Flood, Kelli <Kelli-Flood@utc.edu>; Darger, Lisa <Lisa-Darger@utc.edu>; Henry, Rob <Robert-J-Henry@utc.edu>; Battles, Kelsey <kelsey-everett@utc.edu>
Subject: New Phones -Install Tomorrow

Good morning , I wanted to give everyone a heads up that you will be getting a new phone installed tomorrow by Telecom between the hours of 9-12. You will not need to be present for them to do this, and they will email everyone instructions on how to work the phone after the install. Each individual phone will take 10-15 minutes.

Have a great day, and let me know if you have any questions.

Amanda Winesburgh
Business Manager – Facilities Planning & Management
Administrative Service Building –Office #228K
Email: amanda-winesburgh@utc.edu
Office Phone# 423-425-5744
Dept# 3553



McClellan, Anthony on behalf of Winesburgh, Amanda Winesburgh

Tyler, Kenny; Darger, Lisa; Brown, Richard L; Eppinger, Cathy; Ellis, Tom M; + 2

FW: Sue Stephens Virtual Retirement Event

I can't find this meeting in the calendar. It may have been moved or deleted.

Monday, November 30, 2020 12:00 PM-1:00 PM

Location <https://us02web.zoom.us/j/81277074790?pwd=am1ib2tqWXRvUmJQYVZ4Y1htMVo3QT09>

Sue Stephens Virtual Retirement Event

<https://us02web.zoom.us/j/81277074790?pwd=am1ib2tqWXRvUmJQYVZ4Y1htMVo3QT09>
Winesburgh, Amanda Winesburgh

make sure utilities/invoices paid

Sue Stephens Virtual Retirement Event

Monday, November 30, 2020 12:00 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).

<https://us02web.zoom.us/j/81277074790?pwd=am1ib2tqWXRvUmJQYVZ4Y1htMVo3QT09>

Please join Facilities as they virtually celebrate Sue Stephens' retirement after 50 years of service! This will be a time to surprise her with well wishes, fun memories, and thank her for her irreplaceable contribution to UTC.

Exh. b, f
11.4.1

RECURRING DUTIES

➤ Daily

- Process-COPY-Enter Invoices into shadow budget-File
- Keep track of pending charges

➤ Biweekly - PAYROLL

- Entering biweekly TIMESHEETS
- Payroll Distribution Report -ZPR_CC_WBS_DIST
 - Shows who was paid and amount from a particular account. RUN THIS AFTER EACH PAY PERIOD AND/OR MONTH END AND ATTACH TO LEDGERS.
- Detailed Check Register ZPR_DETAIL_CHECK_REG
 - This report shows a breakdown of the individuals and their paycheck amounts and which accounts they hit. It should be RUN 2 DAYS PRIOR to payday to make sure everyone is getting paid. Each department must run this report and sign it.

➤ Monthly - PAYROLL

- Entering monthly TIMESHEETS
- Payroll Distribution Report -ZPR_CC_WBS_DIST
 - Shows who was paid and amount from a particular account. RUN THIS AFTER EACH PAY PERIOD AND/OR MONTH END AND ATTACH TO LEDGERS.
- Detailed Check Register ZPR_DETAIL_CHECK_REG
 - This report shows a breakdown of the individuals and their paycheck amounts and which accounts they hit. It should be RUN 2 DAYS PRIOR to payday to make sure everyone is getting paid. Each department must run this report and sign it.

Exhibit
V1.4.

➤ Monthly - BUDGET

- Reconciling Monthly Ledgers – Dept Head Signature
 - **ZFM_UT_LEDGER University Ledger ***New***** - this is the ledger they want you to use for reconciling and signatures, however isn't useful until after the month closes in Knoxville, usually after the 7th or 8th of the month (sometimes sooner).
 - Directors/Department Heads need to sign off on each ledger after admin reconciles them.
 - These ledgers must be filed and kept for 6 years according to Fiscal Policy.

➤ Monthly PROCUREMENT CARD

- Reconciling-Verifying-Approving Procurement Card
 - **ZPOS Procurement Card Statement** – This is where to print the document for signature.
 - **FBV2** – Is where you make changes and erase the NOT in front of RECONCILED. And mark "Complete" to send to approvals where Department Head will approve.

➤ Summer

- Year-end close out – make sure end of year invoices get in on time to hit the correct month.

Exhibit
V. 4/1

Eppinger, Cathy

From: McClellan, Anthony
Sent: Wednesday, April 28, 2021 2:27 PM
To: Eppinger, Cathy
Subject: RE: My work schedule

Good afternoon – I relayed the request to Tom. He did not approve this arrangement.

For the purpose of sharing information, any direct supervisor (like myself) would have to follow the same process. We would request AVC approval, provide supporting information (if any), and await a response. In the last few months, I've seen one other person get a denial and no other people get approvals. There is one outstanding request that I'm aware of. It's in a different functional area and I don't know what Tom will decide, but I'd be surprised if that got approved.

I'm sorry it took so long to respond back

Anthony McClellan
Executive Director of Facilities Operations
The University of Tennessee at Chattanooga

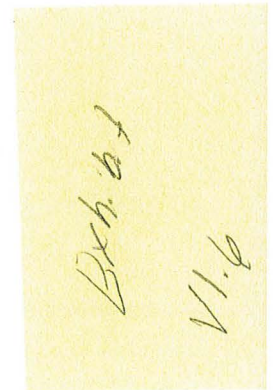


From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Friday, April 16, 2021 7:27 AM
To: McClellan, Anthony <anthony-mcclellan@utc.edu>
Subject: My work schedule

Good morning Anthony,
If possible, I would like to work 4 days Monday – Thursday 10 hours a day.

Thanks,

Cathy Eppinger
Administrative Assistant III
Facilities Planning & Management
615 McCallie Avenue, Dept. 3553
Chattanooga, Tennessee 37403
Phone: 423-425-4018 Fax: 423-425-4749
Cathy-Eppinger@utc.edu



CATHY EPPINGER

Chattanooga, Tennessee 37421 - (423) 994-3777 - Keppingr@bellsouth.net

PROFESSIONAL SUMMARY

Efficient, accuracy-driven Administrative Specialist III successful at delivering key clerical support to internal teams, customers, vendors, and other stakeholders. Demonstrate success in analytical problem solving and boosting operational efficiency. Bringing 35 years of superior performance in related roles.

EDUCATION

Bachelor of Science – Organizational Management, 5/2006

Covenant College – Lookout Mountain, Georgia

Associate of Applied Science – Office Administration, 5/2004

Chattanooga State Community College – Chattanooga, Tennessee

Diploma 1982

Chattanooga City High School – Chattanooga, Tennessee

WORK HISTORY

Administrative Specialist III, 11/2011 to Current

UTC –Chattanooga, Tennessee

Prepare reports, balance budget, create spread sheets, run monthly reports, enter bi-weekly/monthly payroll time, process utility bills, create requisition, and work successfully with Banner to access information about students. Update spreadsheets to track, analyze and report on performance data for 266+ utilities bills.

- Manage office inventory by restocking supplies and placing purchase orders to maintain adequate stock levels
- Compose external correspondence for utility bills and review documentation to eliminate errors.
- Generate payroll reports for maximum impact and results
- Manage accounts payable
- Execute record filing system to improve document organization and management
- Welcome office visitors warmly and alerted staff to arrivals of scheduled appointments
- Process travel, which includes randomly booking airfare, hotel, and ground transportation

Customer Service, Billing Analyst/Fleet manager/Dispatcher, 3/2005 – 10/2011

U.S. Xpress Enterprises/Xpress Global – Chattanooga, Tennessee

- Dispatched truck into status positions and resolved driver issues
- Prepared billing statement through data entry system
- Responded to customer request for product, services, and company information

SKILLS

- AS400, IRIS System, Advance MS Office suite knowledge
- AR/AP, Account reconciliation, Balance budget, Business correspondence
- Spreadsheet management, Workflow planning, Records management, Invoice processing
- Contract agreement preparation, Payroll budgeting, Database management

Exh. b. 1
11.7

Covenant College

*The Trustees of Covenant College, upon recommendation of the Faculty,
have conferred on*

Cathy Watson Topping

the degree of
Bachelor of Science

in

Organizational Management

with all the rights and privileges pertaining thereto.

*In testimony whereof, witness the Seal of the College and the signatures of its officers at
Lookout Mountain, Georgia*

May 5, 2006



Robert Y. Chin

Chairman, Board of Trustees

Joseph B. Hull

Vice President for Academic Affairs

Neil B. Aiken

President

Edna E. Miller

Dean of Records

"That in all things, Christ might have the preeminence." Colossians 1:18

Chattanooga State Technical Community College

Chattanooga, Tennessee

The State Board of Regents of the State of Tennessee

Upon the recommendation of the Faculty of the College hereby confers upon

Cathy Eppinger

The

Associate of Applied Science Degree


Office Administration

with all the rights, privileges and honors appertaining thereto in
consideration of the satisfactory completion of the courses prescribed.

In Testimony Whereof, the Seal of the State and signatures as
authorized by The Board of Regents are hereunto affixed.

Given at Chattanooga, Tennessee in the Year of Two Thousand Four.


Governor


Chancellor Tennessee Board of Regents




President

The University of Tennessee at Chattanooga
Staff Performance and Development Review
Performance Review Summary

Employee Name: Cathy Eppinger	Review Period: from 1/01/20<u>19</u> to 12/31/20<u>19</u>
Employee IRIS#: 309929	Position Title: Administrative Services Assistatn III
Department: Facilities Planning and Management	Supervisor: Sue Stephens

Supervisors should review the staff member's Performance Report and Development Proposal and/or Self-Evaluation prior to completing this part of the evaluation, which is to be used to inform and guide discussion in the face-to-face Performance Review Meeting. Please attach any other forms or documents used in the performance review process and submit all documents to Human Resources for retention in the permanent personnel file.

Key Performance Elements:

- 1. Accomplishments** - the extent to which the employee meets expectations in performing the job functions of his/her position as defined in the Position Description Questionnaire (PDQ).

- 5 ☒ Consistently Exceeds Expectations (supporting statement/documentation required)
- 4 ☐ Fully Achieves and Occasionally Exceeds Expectations
- 3 ☐ Fully Achieves Expectations
- 2 ☐ Sometimes Achieves Expectations
- 1 ☐ Rarely Achieves Expectations (supporting statement/documentation required)

Examples & Comments:

Attached

- 2. Service & Relationships** - the extent to which the employee's behaviors are directed toward fostering positive working relationships in a diverse workplace, respect for one's fellow workers, and cooperation with students, customers, and visitors.

- 5 ☒ Consistently Exceeds Expectations (supporting statement/documentation required)
- 4 ☐ Fully Achieves and Occasionally Exceeds Expectations
- 3 ☐ Fully Achieves Expectations
- 2 ☐ Sometimes Achieves Expectations
- 1 ☐ Rarely Achieves Expectations (supporting statement/documentation required)

Examples & Comments:

Cathy is very personable and consistently demonstrates a positive attitude. She works hard to have a meaningful and professional relationship with everyone. She treats everyone in a respectful, friendly and professional manner to include coworkers, students, visitors, and customers. She constantly takes courses that are available to her on communications and customer service. She is always looking for ways to improve her skills.

Accomplishments for Item 1

Cathy has processed efficiently the biweekly payroll, travel requests and associated documents, utility invoices, monthly billing for the auxiliary utility costs, vendor information updates in IRIS, kept utility spreadsheet for utilities up to date for Assistant Vice Chancellor, maintained utility files, verified payroll records, kept inventory and ordered office supplies, researched problems with invoices, prepared deposits for the department, handled/distributed incoming and outgoing mail for the department, copied, faxed, and scanned documents for the department. In addition, Cathy entered monthly data information for secondary water meter readings, and printed biweekly leave balance reports for all facilities supervisors.

Cathy has also on her own initiative composed and sent correspondence to utility companies and other vendors about problems with their invoices.

Cathy assists with processing department invoices for payment, maintaining the FPM Ledger/Invoice Database, maintaining the department invoice files, processing personnel actions, and researching information for the department.

Cathy has also helped with special projects and tasks for the Facilities Supervisors: Travel information and research, reports, communication, and editing documents.

In addition to performing the full range of administrative duties, she has done an extraordinary job of managing the complex utility billing comprised of several hundred accounts. Many of the accounts have disputed balances going back several years. These account balances were disputed due to utility companies posting payments to the wrong accounts or being slow to post payments. These errors generated erroneous late fees and represented a significant sum. Cathy has researched all of these thoroughly and provided documentation supporting our position. As a result, almost all of the erroneous billing accounts have been corrected. She continues to work on the few remaining disputed accounts and continues to identify and correct ongoing billing errors. This work has saved the University thousands of dollars, and resulted in more timely recoveries and accounting. Cathy processed 2,736 utility invoices in addition to the other invoices for the department.

Cathy has also assisted Anthony McClellan, Executive Director, with creating a Facilities Planning and Management private group e-mail and other tasks as needed such as reports, copying and scanning documents.

On her own initiative, she has been checking the payment status of invoices after sending to Accounting Services to make sure invoices have been received and processed for payment. If processed, she stamps invoice "paid" before filing the original. By doing this procedure, she can detect potential problems early and help expedite invoice payments.

Cathy also covered for the Senior Administrative Services Assistant, Sue Stephens, while she was on seven weeks sick leave, which increased her workload with processing invoices, transfer vouchers, personnel papers, monthly payroll and researching problems with invoices.

Cathy is also the Employee Relations Committee Representative for the Facilities Department. This committee provides a direct channel to two-way communication between University administration and regular non-exempt employees for information and advisory purposes. She has been re-elected to a two-year term (2020 -2021). This committee meets once a month.

Cathy Eppinger Training attended 2019

02/16/19 Regional Utility Data Management Training 9 a.m. to 3:30 p.m.
5.5 Hours

02/07/19 Communication Skills for the Workplace 9 a.m. to 10 a.m.
1.0 Hour

03/14/19 The Administrative Assistants Conference at Hilton Garden Inn 9 a.m. to 4 p.m.
6.0 Hours

03/25/19 Interpersonal Communication: Communicating with Confidence 9 a.m. to 10 a.m.
1.0 Hour

04/12/19 S.T.O.P. Unhealthy Work Conflict 3:30 to 4:30 p.m.
1.0 Hour

04/12/19 The Art of Effective Customer Service 2 to 3 p.m.
1.0 Hour

04/05/19 Execute with Excellence 2 to 3 p.m.
1.0 Hour

04/25/19 Interpersonal Communication 9 a.m. to 10 p.m.
1.0 Hour

07/10/19 E-Invoicing and UT Market Place
1.0 Hour

07/18 True Colors and Communication 9 a.m. to 10 a.m.
1.0 Hour

07/30/19 How to Build a Successful Team 9 to 10 a.m.
1.0 Hour

08/08/19 Improving Workplace Relations 9 a.m. to 10 a.m.
1.0 Hour

08/13/19 How to Overcome Negativity in the Workplace 9 a.m. to 10 a.m.
1.0 Hour

11/20/19 Active Listening Training 9 a.m. to 12 noon
3.0 Hours

November 06-08, 2019 Administrative Professionals Retreat, Gatlinburg, TN
8.75 Hours

May 13-15, 2019 The TNAPPA Annual Conference in Memphis, TN - Attended several training
sessions 16 Hours

June 2019 Title VI
.5 Hour

November 2019 Active Shooter Training
1 Hours

December 2019 Bridges: Taking Action
1 Hours

Total Hours
52.75

Cathy Eppinger Training for 2018

October 9, 2018 Search Committee with Chandra Ward	1.0 hour
October 24, 2018 Major Accounts Breakfast by Tennessee American Water Company with Kimberly Moore	1.0 hour
April 18, 2018 Stop Unhealthy Work Conflict	1.0 hour
September 5, 2018 Concur Online Travel Booking	1.0 hour
April 12, 2018 The Art of Effective Customer Service	1.0 hour
December 16, 2018 IT Security Awareness Training	1.0 hour
December 16, 2018 Bridges: Building a Supportive Community	1.0 hour
TNAPPA 2018 Conference UT Market Place, Tennessee Materials Market Place, Green Purchasing	1.0 hour
May 11, 2018 The Extraordinary Administrative Support Professionals' Conference	6.5
Total Hours	14.5 hours

3. Accountability & Dependability - the extent to which the employee contributes to the effectiveness of the department and the overall mission of the University. (NOTE: Time off approved under FMLA may not be considered)

- 5 ☒ Consistently Exceeds Expectations (supporting statement/documentation required)
- 4 ☐ Fully Achieves and Occasionally Exceeds Expectations
- 3 ☐ Fully Achieves Expectations
- 2 ☐ Sometimes Achieves Expectations
- 1 ☐ Rarely Achieves Expectations (supporting statement/documentation required)

Examples & Comments:

Cathy is one the most dependable and conscientious team members we have. She is eager and willing to learn new and more effective processes to improve the efficiency of our department and the University's mission. She is always on time and at work as scheduled. She is adaptable and flexible to new ideas, programs and systems. She covered for the Senior Administrative Support Assistant while on seven weeks sick leave which added to her normal workload. She has attended several training session on and off campus. (List attached)

4. Adaptability & Flexibility - the extent to which the employee exhibits openness to new ideas, programs, systems, and/or structures.

- 5 ☒ Consistently Exceeds Expectations (supporting statement/documentation required)
- 4 ☐ Fully Achieves and Occasionally Exceeds Expectations
- 3 ☐ Fully Achieves Expectations
- 2 ☐ Sometimes Achieves Expectations
- 1 ☐ Rarely Achieves Expectations (supporting statement/documentation required)

Examples & Comments:

Cathy is proactive, prompt, and dependable. She is efficient and really tries to perform her work correctly and in a timely manner. She is very good at keeping me informed on status of projects that she handles. She continues to monitor utility accounts to clear up past due balances and inappropriate charges as well as research other invoice problems for the department. She is always willing to help with any project and eager to take on new assignments.

5. Decision Making & Problem Solving - the extent to which the employee makes sound and logical job-related decisions that are in the best interest of the University.

- 5 ☒ Consistently Exceeds Expectations (supporting statement/documentation required)
- 4 ☐ Fully Achieves and Occasionally Exceeds Expectations
- 3 ☐ Fully Achieves Expectations
- 2 ☐ Sometimes Achieves Expectations
- 1 ☐ Rarely Achieves Expectations (supporting statement/documentation required)

Examples & Comments:

Cathy is a very important team member in the Facilities Department. She wants to take on more responsible duties in the department. She is eager and willing to learn new and more effective processes to improve the efficiency of our department and support the University's mission. She is adaptable and flexible to new ideas, programs and systems. She has quickly adapted to FPM specific requirements, particularly a very complex utility processing and tracking system, as well as very challenging and extensive payroll and invoice requirements.

TOTAL POINTS: 25

<u>Rating</u>		<u>Total Points</u>
Consistently Exceeds Expectations	=	23 - 25
Fully Achieves and Occasionally Exceeds Expectations	=	19 - 22
Fully Achieves Expectations	=	15 - 18
Sometimes Achieves Expectations	=	10 - 14
Unsatisfactory/Not Eligible for Across the Board Increase (Performance Improvement Plan Required)	=	9 or less

Final PR Rating: Consistently Exceeds Expectations

Summary Checklist

- | | | |
|--|---|--|
| 1. Goals and Objectives have been developed and discussed with employee?
<i>Refer to optional Goals and Objectives form</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Job Duties and Performance Expectations have been discussed with employee? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 3. Appropriate corrective action has been discussed with employee? | Yes <input type="checkbox"/> | No <input type="checkbox"/> NA <input checked="" type="checkbox"/> |
| 4. Performance Improvement Plan has been developed for employees with a Final PR Rating of 9 or below (required)?
<i>Refer to Performance Improvement Plan form</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> NA <input checked="" type="checkbox"/> |
| 5. Individual Development Plan has been developed for employees receiving a Final PR Rating of 10 or above?
<i>Refer to optional Individual Development Plan form</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> NA <input type="checkbox"/> |

Job Content Review

ate of last review of staff member's PDQ by Human Resources:

03/27/19

Does the current Position Data Questionnaire reflect accurately the duties and responsibilities of this staff member?

Yes ☒ No ☐

If it does not, it is suggested PDQ be revised for review by Human Resources.

Comments: (additional attachments may be included, if space is insufficient)

Supervisor:

Staff Member (Employee may provide additional comments to be retained with this document in personnel file):

Cathy is an invaluable member of the Facilities Planning and Management team. She keeps up to date on new IRIS processes and is always willing to help anyone in the department that needs assistance. She is always looking for a more efficient way to do things. She wants to take on more responsible duties. She attends training classes offered for our employees.

I agree with this assessment of my performance:




I do not agree with this assessment of my performance:



[If staff member does not agree with content of review, he/she should indicate in the "comments" section above the points of disagreement to be considered by the next level of administration. Additional statements may be attached.]

By signing below, the staff member and supervisor acknowledge that this performance review was conducted in a face-to-face meeting in which feedback regarding performance was given and future performance and development plans were discussed.



Staff Member (required)

5/25/20

Date

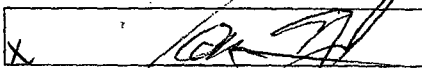


Supervisor (required)

5-25-20

Date

By signing below, the administrator to whom the above supervisor reports attests to having examined the performance review documents, including any indication of contested issues.



Administrative Review Signature (required)

Asst VC Ops

Title of Reviewer

5/25/20

Date

Please send original with any attachments to the Office of Human Resources for review and retention in permanent personnel file.

Appendix: Instructions for The Performance Review Summary

Key Elements of Performance Review Summary

Accomplishments – Evaluate the employee's success in performing identified duties/areas of responsibilities. Use the PDQ or departmental goals & objectives to identify specific duties/areas of responsibilities.

Service & Relationships – Evaluate the employee's success in the areas of customer service, communication and interpersonal skills, diversity, and teamwork.

Accountability & Dependability – Evaluate the employee's success in contributing to the effectiveness of the department and the overall mission of the university. It is important to note that time off approved under FMLA may not be considered.

Adaptability & Flexibility – Evaluate the employee's success in dealing effectively with additional responsibilities, learning innovative techniques and applying them to his/her job, and participating in appropriate training and development opportunities.

Decision Making & Problem Solving – Evaluate the employee's success in making decisions, following safe work practices, and complying with university policies and federal, state and local laws.

Ratings

Expectations should be specific, measurable, attainable, realistic, and timely. An employee should be evaluated based on how well he/she has met the known expectations of his/her position.

Evaluate the employee using the following options:

Rarely Achieves Expectations

Example: Employee rarely completes tasks on time or in a timely manner.

Sometimes Achieves Expectations

Example: Employee sometimes does/sometimes does not complete tasks on time and may often have to be reminded to complete the tasks.

Fully Achieves Expectations

Example: Employee consistently completes tasks on time or in a timely manner with no intervention.

Fully Achieves & Occasionally Exceeds Expectations

Example: Employee completes tasks early or on time and will occasionally seek ways to help others complete tasks and/or accept additional tasks.

Consistently Exceeds Expectations

Example: Employee completes tasks early or on time and consistently seeks ways to help others complete tasks and/or accept additional tasks.

The University of Tennessee at Chattanooga
Staff Performance and Development Review
Performance Review Summary

Employee Name:	Cathy Eppinger	Review Period: from	1/01/20 18	to	12/31/20 18
Employee IRIS#:	309929	Position Title:	Administrative Services Assistant III		
Department:	Facilities Planning & Management	Supervisor:	Sue Stephens		

Supervisors should review the staff member's Performance Report and Development Proposal and/or Self-Evaluation prior to completing this part of the evaluation, which is to be used to inform and guide discussion in the face-to-face Performance Review Meeting. Please attach any other forms or documents used in the performance review process and submit all documents to Human Resources for retention in the permanent personnel file.

Key Performance Elements:

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Examples & Comments:

Attached

- 2. Service & Relationships** - the extent to which the employee's behaviors are directed toward fostering positive working relationships in a diverse workplace, respect for one's fellow workers, and cooperation with students, customers, and visitors.

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- 2 ☐ Sometimes Achieves Expectations
- 1 ☐ Rarely Achieves Expectations (supporting statement/documentation required)

Examples & Comments:

Cathy is very personable and consistently demonstrates a positive attitude. She treats everyone in a respectful, friendly and professional manner to include coworkers, students, visitors, and customers.

Attachment to SPDR for Cathy Eppinger 2018

Accomplishments for Item 1

Cathy has efficiently processed the biweekly payroll, travel requests and associated documents, utility invoices, monthly billing for the auxiliary utility costs, vendor information updates in IRIS, kept utility spreadsheet for utilities up to date for Assistant Vice Chancellor, maintained utility files, verified payroll records, kept inventory and ordered office supplies, researched problems with invoices, prepared deposits for the department, created department contracts in ESM Solutions module, handled/distributed incoming and outgoing mail for the department, copied, faxed, and scanned documents for the department. In addition, Cathy entered monthly data information for secondary water meter readings, and printed biweekly leave balance reports for all facilities supervisors.

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In addition to the routine ongoing tasks listed above, during the past year, Cathy helped make the TNAPPA 2018 Conference a success by providing the following support:

Obtained information on promotional items, door prizes, gifts, and table centerpieces.

Worked with the Food Committee on choosing the caterers, menus and venues for the different events/meals. Visited potential venues for the welcome dinner and banquet which included the Bessie Smith Hall, Aquarium, and Hunter Museum. Provided feedback on these venues.

Picked up several boxes of tourist guides from Chamber of Commerce (used personal car).

After the banquet at the Hunter Museum, helped with the cleanup, and loaded left over food in personal car and delivered it to the Facilities Management Office and unloaded it and put it in refrigerators.

Provided service for the golf tournament, which included registration, several round trips of delivery of snacks and drinks to team golfers, and loaded/unloaded snack and drinks to golf court.

Cathy is also the Employee Relations Committee Representative for the Facilities Department. This committee provides a direct channel to two-way communication between University administration and regular non-exempt employees for information and advisory purposes. She was elected to a two year term (2017/18 and 2018/19). This committee meets once a month and Cathy has attended all meetings except one, which was attended by her alternate, Jonah Williams.

This committee had a cookbook sale to benefit the Staff Development Fund. Thanks to her team, friends, family, and determination she sold 29 books, which raised \$290.00

3. Accountability & Dependability - the extent to which the employee contributes to the effectiveness of the department and the overall mission of the University. (NOTE: Time off approved under FMLA may not be considered)

- 5 ☒ Consistently Exceeds Expectations (supporting statement/documentation required)
- 4 ☐ Fully Achieves and Occasionally Exceeds Expectations
- 3 ☐ Fully Achieves Expectations
- 2 ☐ Sometimes Achieves Expectations
- 1 ☐ Rarely Achieves Expectations (supporting statement/documentation required)

Examples & Comments:

Cathy is proactive, prompt, and dependable. She has completed all tasks assigned in an efficient and timely manner. She is very good at keeping me informed on status of projects she handles. She continues to research past utility accounts to clear up past due balances and inappropriate charges as well as helps research other invoice problems for the department. She is always willing to help with any project and eager to take on new assignments. She was very supportive and helpful with the TNAPPA 2018 Conference hosted by our department.

4. Adaptability & Flexibility - the extent to which the employee exhibits openness to new ideas, programs, systems, and/or structures.

- 5 ☒ Consistently Exceeds Expectations (supporting statement/documentation required)
- 4 ☐ Fully Achieves and Occasionally Exceeds Expectations
- 3 ☐ Fully Achieves Expectations
- 2 ☐ Sometimes Achieves Expectations
- 1 ☐ Rarely Achieves Expectations (supporting statement/documentation required)

Examples & Comments:

Cathy is eager and willing to learn new and more effective processes to improve the efficiency of our department and the University's mission. She is adaptable and flexible to new ideas, programs and systems. She has quickly adapted to FPM specific requirements, particularly a very complex utility processing and tracking system, as well as very challenging and extensive payroll and invoice requirements. She has attended several training sessions. (List attached)

Cathy Eppinger Training for 2018

October 9, 2018 Search Committee with Chandra Ward	1.0 hour
October 24, 2018 Major Accounts Breakfast by Tennessee American Water Company with Kimberly Moore	1.0 hour
April 18, 2018 Stop Unhealthy Work Conflict	1.0 hour
September 5, 2018 Concur Online Travel Booking	1.0 hour
April 12, 2018 The Art of Effective Customer Service	1.0 hour
December 16, 2018 IT Security Awareness Training	1.0 hour
December 16, 2018 Bridges: Building a Supportive Community	1.0 hour
TNAPPA 2018 Conference UT Market Place, Tennessee Materials Market Place, Green Purchasing	1.0 hour
May 11, 2018 The Extraordinary Administrative Support Professionals' Conference	6.5
Total Hours	14.5 hours

5. Decision Making & Problem Solving - the extent to which the employee makes sound and logical job-related decisions that are in the best interest of the University.

- 5 ☐ Consistently Exceeds Expectations (supporting statement/documentation required)
- 4 ☒ Fully Achieves and Occasionally Exceeds Expectations
- 3 ☐ Fully Achieves Expectations
- 2 ☐ Sometimes Achieves Expectations
- 1 ☐ Rarely Achieves Expectations (supporting statement/documentation required)

Examples & Comments:

Cathy is a "self Starter" and works on her own with little supervision. She uses sound judgment and exercises initiative to do search when needed before making decisions.

TOTAL POINTS: 23

<u>Rating</u>		<u>Total Points</u>
Consistently Exceeds Expectations	=	23 - 25
Fully Achieves and Occasionally Exceeds Expectations	=	19 - 22
Fully Achieves Expectations	=	15 - 18
Sometimes Achieves Expectations	=	10 - 14
Unsatisfactory/Not Eligible for Across the Board Increase (Performance Improvement Plan Required)	=	9 or less

Final PR Rating: Consistently Exceeds Expectations

Summary Checklist

- | | | |
|--|---|--|
| 1. Goals and Objectives have been developed and discussed with employee?
<i>Refer to optional Goals and Objectives form</i> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 2. Job Duties and Performance Expectations have been discussed with employee? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| 3. Appropriate corrective action has been discussed with employee? | Yes <input type="checkbox"/> | No <input type="checkbox"/> NA <input checked="" type="checkbox"/> |
| 4. Performance Improvement Plan has been developed for employees with a Final PR Rating of 9 or below (required)?
<i>Refer to Performance Improvement Plan form</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> NA <input checked="" type="checkbox"/> |
| 5. Individual Development Plan has been developed for employees receiving a Final PR Rating of 10 or above?
<i>Refer to optional Individual Development Plan form</i> | Yes <input type="checkbox"/> | No <input type="checkbox"/> NA <input type="checkbox"/> |

Job Content Review

Date of last review of staff member's PDQ by Human Resources:

03/29/17

Does the current Position Data Questionnaire reflect accurately the duties and responsibilities of this staff member?

Yes ☒ No ☐

If it does not, it is suggested PDQ be revised for review by Human Resources.

Comments: (additional attachments may be included, if space is insufficient)

Supervisor: Cathy is an invaluable member of the Facilities Planning and Management team. She keeps up to date on new IRIS processes. She attends training classes offered for our employees. She has been studying on her own for CAP Exam. She is always looking for a more efficient way to do things in this department.

Staff Member (Employee may provide additional comments to be retained with this document in personnel file):

I agree with this assessment of my performance:

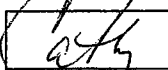

☒

I do not agree with this assessment of my performance:

☐

[If staff member does not agree with content of review, he/she should indicate in the "comments" section above the points of disagreement to be considered by the next level of administration. Additional statements may be attached.]

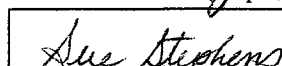
By signing below, the staff member and supervisor acknowledge that this performance review was conducted in a face-to-face meeting in which feedback regarding performance was given and future performance and development plans were discussed.

Staff Member (required)

3/28/19

Date

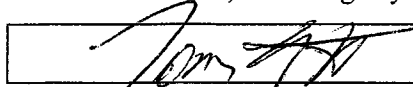


Supervisor (required)

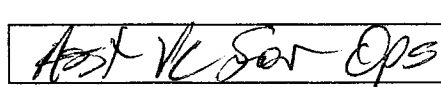
3-28-19

Date

By signing below, the administrator to whom the above supervisor reports attests to having examined the performance review documents, including any indication of contested issues.



Administrative Review Signature (required)



Title of Reviewer

3/28/19

Date

Please send original with any attachments to the Office of Human Resources for review and retention in permanent personnel file.

Appendix: Instructions for The Performance Review Summary

Key Elements of Performance Review Summary

Accomplishments – Evaluate the employee's success in performing identified duties/areas of responsibilities. Use the PDQ or departmental goals & objectives to identify specific duties/areas of responsibilities.

Service & Relationships – Evaluate the employee's success in the areas of customer service, communication and interpersonal skills, diversity, and teamwork.

Accountability & Dependability – Evaluate the employee's success in contributing to the effectiveness of the department and the overall mission of the university. It is important to note that time off approved under FMLA may not be considered.

Adaptability & Flexibility – Evaluate the employee's success in dealing effectively with additional responsibilities, learning innovative techniques and applying them to his/her job, and participating in appropriate training and development opportunities.

Decision Making & Problem Solving – Evaluate the employee's success in making decisions, following safe work practices, and complying with university policies and federal, state and local laws.

Ratings

Expectations should be specific, measurable, attainable, realistic, and timely. An employee should be evaluated based on how well he/she has met the known expectations of his/her position.

Evaluate the employee using the following options:

Rarely Achieves Expectations

Example: Employee rarely completes tasks on time or in a timely manner.

Sometimes Achieves Expectations

Example: Employee sometimes does/sometimes does not complete tasks on time and may often have to be reminded to complete the tasks.

Fully Achieves Expectations

Example: Employee consistently completes tasks on time or in a timely manner with no intervention.

Fully Achieves & Occasionally Exceeds Expectations

Example: Employee completes tasks early or on time and will occasionally seek ways to help others complete tasks and/or accept additional tasks.

Consistently Exceeds Expectations

Example: Employee completes tasks early or on time and consistently seeks ways to help others complete tasks and/or accept additional tasks.

2015 Performance Award Nomination
Cathy Eppinger – Admin Support Asst III

Cathy has quickly become an invaluable member of the Facilities Dept. She has proven to be an adaptable “self-starter” and can work on her own with little supervision. She uses sound judgment and exercises initiative to do research when needed to make decisions. In addition to performing the full range of administrative duties, she has done an extraordinary job of managing our complex utility billing comprised of several hundred accounts. Many of the accounts have disputed charges going back several years. They have been disputed due to the utility companies posting payments to the wrong accounts or being slow to post payments. This has generated erroneous late fees which represent a significant sum. Cathy has researched all of these thoroughly and provided documentation supporting our position. As a result, almost all erroneous billing has been corrected. She continues to work on the few remaining disputed accounts and continues to identify and correct ongoing billing errors. This work has saved the University thousands of dollars and resulted in more timely recoveries and accounting. Cathy has been very professional in all her work and interactions with people both on and off campus.



TENNESSEE HUMAN RIGHTS COMMISSION
WILLIAM R. SNODGRASS TENNESSEE TOWER
312 ROSA L. PARKS AVENUE, 23RD FLOOR
NASHVILLE, TENNESSEE 37243-1102
(615) 741-5825 FAX (615) 253-1886
www.tn.gov/humanrights

Exhibit
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COPY

December 9, 2020

Ms. Rosite Delgado
Director, Office of Equity and Inclusion
UNIVERSITY OF TENNESSEE AT CHATTANOOGA
202 Human Resources Center, Dept. 5455
720 McCallie Avenue
Chattanooga, TN 37421

RE: Cathy Eppinger v. UNIVERSITY OF TENNESSEE AT CHATTANOOGA
THRC# 3-014-21; EEOC# 25A-2021-00042C

Dear Ms. Delgado:

This letter serves as notice to your office that the Tennessee Human Rights Commission has received a complaint filed under the Tennessee Human Rights Act and/or the Tennessee Disability Act, alleging employment discrimination on one or more of the following bases: race, color, national origin, gender, religion, creed, age, or disability.

The Tennessee Human Rights Commission is required under Tennessee Code Annotated §4-21-302 to investigate this complaint. Consequently, the Commission is providing your organization with the opportunity to defend these charges by submitting a Position Statement which is a summary of your organization's position in this case that includes all documents and records regarding the subject charge of discrimination. Please note that if your organization fails to submit a Position Statement, the Commission may make a default finding in favor of the Complainant.

Enclosed is a copy of the complaint, any attachments submitted with the complaint, a Request for Information, "What a Position Statement Should Include", and an Invitation to Mediate this complaint. Please read the enclosed documents and submit your response, including your company's Position Statement and all supporting documents by **December 30, 2020**. Once your response is received, your case will be assigned to an investigator who will interview the parties, relevant witnesses and may request further information in order to make a proper determination in this matter. Please note, the Commission will provide the Position Statement and non-confidential attachments to the Charging Party or his/her representative upon request anytime during the investigation.

After the investigation is concluded the investigator will submit the case file along with their recommendation to the Commission's legal department for review and approval. After the legal review has been conducted, a letter will be sent to notify both parties of the final determination in the case.

Ms. Cathy Eppinger

Page 2

- You may also file a lawsuit in federal or state court at any point during the investigation, however; once a lawsuit has been filed, THRC must discontinue our investigation. Please speak with your investigator or a private attorney for more information on filing in court.
- Please take note that you are responsible for keeping the Commission informed if any of your contact information changes. If we are unable to contact you or if you fail to cooperate with your investigation your case may be administratively closed or a determination issued based on the information on file.

Should you have additional questions or concerns, please do not hesitate to contact me at the address or phone number listed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Kaleda N. Bentley". The signature is fluid and cursive, with the first name "Kaleda" being more prominent.

Kaleda N. Bentley
Intake Supervisor

Enclosures (2)

Cathy Eppinger
1229 Gunbarrel Road
Chattanooga, Tennessee 37421

December 19, 2020

Tennessee Human Rights Commission
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 23rd Floor
Nashville, Tennessee 37243-1102
(615) 741-6936 Fax (615) 253-1886

RE: Cathy Eppinger vs. University of Tennessee at Chattanooga THRC#3-025-21; EEOC# 25A-2021-00042C

Dear Ms. Bentley,

This letter is in response to your letter dated December 9, 2020. I am writing to inform you of my request to participate in the **mediation process** in hopes to resolve this issue with my employer, University of Tennessee at Chattanooga.

Additionally, I have attempted on numerous occasions to resolve this issue internally, my employer refuses to admit this systemic hiring/promotion process, apologize and resolve this issue. This process has been practiced for centuries. This is **not** about **money** it is about "**equality**" and the level of integrity is **unreal**. On the following dates, I have attempted numerous times to resolve this issue with:

- December 16, 2020, Tom Ellis Vice Chancellor of facilities, via phone
- December 16, 2020, Rosite Delgado Office of Equity/Inclusion via phone
- December 14, 2020, Anthony McClellan Assistant Director
- December 4, 2020, Rosite Delgado Office of Equity/Inclusion
- October 28, 2020, Mr. Ellis, and Anthony McClellan Assistant Director
- September 16, 2020 Rosite Delgado, Office of Equity/Inclusion
- August 12, 2020, Laure Poe HR, Judy Brown, Employee Relation, and Mr. Ellis

In my above efforts, I feel they have transposed my provided information gift-wrapped with a beautiful bow and prepared to present to The Human Rights Commission. I have concluded that they are **not** my **friends** and will not admit/correct their wrong. The only **friend** that I have is John 15:14, and at the judgment there will **not** be a title role, II Corinthian 5:10.

Please accept my request to participate in the mediation process with my employer (UTC) at your/their convenience.

Sincerely,


Cathy Eppinger
423-994-3777

STRONG MOSS LAW

Attorney Jacqueline Strong Moss

1089 Bailey Avenue, Suite C7, Chattanooga, TN 37404

Office: 423-580-5621

strongmosslaw@gmail.com

Fax: 931-572-5483

June 21, 2021

TENNESSEE HUMAN RIGHTS COMMISSION

William R. Snodgrass Tennessee Tower

Attention: Beverly L. Watts, Executive Director

312 Rosa L Parks Avenue, 2nd Floor

Nashville, Tennessee 37243-1102

Re: **FORMAL REQUEST - RIGHT TO SUE LETTER**

Cathy Eppinger vs. University of TN at Chattanooga

THRC# 3-025-21; EEOC# 25A-2021-00042C

Dear Ms. Watts:

Please be advised that **STRONG MOSS LAW** is requesting that the Tennessee Human Rights Commission immediately issue a right to sue letter in regards to the above referenced matter.

Mrs. Eppinger requested to participate in the mediation process in December of 2020. Ms. Eppinger's request for mediation has been pending for over six months and my office has been advised that no date will be set until July 2021. As you are aware, a July 2021 mediation date will act as a waiver of Ms. Eppinger's claims under Tennessee state law. Ms. Eppinger is requesting the immediate submission of a right to sue letter.

Exhibit
VI.12

It must also be noted that the Tennessee Human Rights Commission has not assign this matter to an investigation, and therefore has NEVER requested or obtained a position statement from the University of Tennessee at Chattanooga. Ms. Eppinger intends to pursue all available legal options to resolve her on-going federal and state, employment claims against the University of Tennessee at Chattanooga. Therefore, it is respectfully requested that your agency issue a right to sue letter to Ms. Cathy Eppinger no later than June 23, 2021.

STRONG MOSS LAW

/s/ Jacqueline Strong Moss /s/

Jacqueline Strong Moss, Esq.
Executive Suites at Bailey
1089 Bailey Avenue, Suite C7
Chattanooga, TN 37404
Voice: 423-580-5621
Fax: 931-572-5483
E-mail: strongmosslaw@gmail.com.

Cc:
Cathy Eppinger - 1229 Gunbarrel Road, Chattanooga, TN 37421

Ms. Laure Pou, Assistant Vice Chancellor, UTC Human Resources
720 McCallie Avenue, Chattanooga, TN 37403

Ms. Rosite Delgado, Director, Office of Equity and Inclusion, UTC at Chattanooga
202 HRC, Dept. 5455 720 McCallie Avenue, Chattanooga, TN 37421

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Cathy Eppinger**
1229 Gunbarrel Road
Chattanooga, TN 37421

From: **Memphis District Office**
1407 Union Avenue
Suite 900
Memphis, TN 38104

Exhibit
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☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

25A-2021-00042

Melissa C. Brown,
Acting State, Local & Tribal Coordinator

(629) 236-2252

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☐

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☒

Other (briefly state)

CP Filed Suit

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

July 8, 2021

Enclosures(s)

Edmond Sims, Acting District Director

(Date Issued)

cc:

Rosite Delgado
Director, Office of Equity and Inclusion
UNIVERSITY OF TENNESSEE AT CHATTANOOGA
202 Human Resources Center, Dept. 5455
720 McCallie Avenue
Chattanooga, TN 37404

Tennessee Human Rights Commission

Jacqueline Strong-Moss, Esq.
STRONG MOSS LAW
1089 Bailey Avenue, Suite C7
Chattanooga, TN 37404

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INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

Eppinger, Cathy

From: UTC Campus Information <UTCINFO@RAVEN.UTC.EDU> on behalf of Pou, Laure
Sent: Thursday, February 4, 2021 12:17 PM
To: UTCINFO@RAVEN.UTC.EDU
Subject: [UTCINFO] Reminder: Deadline for Staff Performance Evaluations is March 31



Campus Colleagues,

This is a friendly reminder that the deadline for submitting completed performance reviews to Human Resources for regular staff employees is **March 31**.

Overview of Policy and Process

The staff performance review process has not changed since last year, but there are some important reminders regarding the review process that are outlined below.

- **Review Period** - Staff employees will be evaluated based on the calendar year (January through December).
- **Performance Review Process and Forms** - Please refer to the UTC [Staff Annual Performance Review](#) webpage for a description of the performance review process, as well as a variety of supplemental forms that can be utilized to enhance performance management efforts. The only form required for submission to Human Resources is the [Performance Review Summary Form](#).
- **Required Signatures** – Staff performance reviews require the signatures of the employee, the employee's supervisor and next level of administration to ensure consistency and fairness. Performance review forms will not be accepted by HR until all three required signatures are included unless otherwise approved.

Please review UT HR Policy [HR0129 - Performance Reviews for Regular Staff Employees](#) for additional information regarding performance ratings, required performance improvement plans and ineligibility for across-the-board increases.

Methods for Submitting Performance Reviews

It is preferred for performance reviews to be submitted electronically to Personnel@utc.edu, but hard copies may be delivered to the Office of Human Resources, Dept. 3603, at 720 McCallie Avenue.

Inclusion, Diversity and Engagement

We are excited to announce that new changes are coming for evaluation of the 2021 annual review period next year! In keeping with UTC and System-wide commitments to Inclusion, Diversity, and Engagement (IDE), these elements will become a component of employee performance evaluations. The University supports a diverse and inclusive culture and all employees are expected to respect and uphold these values while performing all job functions and responsibilities.

Supervisors and employees are encouraged to discuss diversity-related performance goals and development opportunities during staff performance review meetings in preparation for the annual review process in spring 2022, which will evaluate employee performance for 2021 calendar year with a revised evaluation form that will include IDE as an established key performance element for all staff.

The University will continue to make efforts to ensure that resources, including trainings, events, and professional development and engagement opportunities are available and accessible to support employees in achieving their performance goals and expectations. More information about the IDE performance evaluation component will be forthcoming.


Performance Review Questions?

If you have any questions regarding the overall performance management process and completion of annual staff performance reviews, please contact Julie Brown, Director of Employee Relations, at 425-4638 or Julie-g-Brown@utc.edu.

Laure Pou
Assistant Vice Chancellor
UTC Human Resources
720 McCallie Avenue
Chattanooga, TN 37403
423-425-5742

Human Resources

Human Resources Center, Dept. 3603
615 McCallie Avenue
Chattanooga, TN 37403
Phone: (423) 425-4221
Fax: (423) 425-4574
www.utc.edu

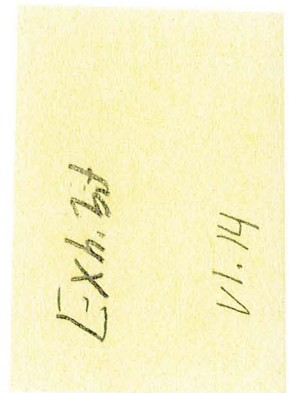
To: Cathy Eppinger
From: Freddie Perutelli, Total Compensation Specialist 
Date: December 11, 2020
Subject: Position Reclassification

We are pleased to notify you that your position has been reclassified to Administrative Specialist III.

Your new hourly rate effective December 1, 2020 will be \$19.00.

Please contact me if you have questions.

CC: Personnel File



**Please Note:*

I received a 3.86 increase after my complaint to Tennessee Human Rights Commission. See letter dated December 9th.

Laure

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>

Sent: Monday, July 13, 2020 7:55 AM

To: Pou, Laure <Laure-Pou@utc.edu>

Subject: New Position - Business Manager "Given" to Amanda Winesburgh - Facilities Planning & Management Department

Importance: High

Hi Laure,

I went to Tom regarding the new Business Manager position after Ms. Sue as well as, Amanda stated that she has this new title Business Manager, and was promoted. Tom stated that the position was given to Amanda because she was knowledgeable campus wide, and he did not want to lose her. He went on to say that people on campus calls her for help with their positions. He also stated that after Ms. Sue retires in November, I would report to Amanda. Amanda has been in this department for a short time, and as moved from bi-weekly payroll to monthly, and now a Business Manager. I have asked several times for additional assignments to increase my pay all get is "I'm working on it". I have asked several times to shadow Ms. Sue, and I gets nothing. Although, I am very knowledgeable in reconciliation, budgeting, and have a B.S. degree in Organizational Management, I was not considered, although I am qualified. That been said, new title implies new job...lead job at that.

Please provide information for the following, and I was also advised that this information should be available without delay:

1. Why wasn't this job posted
2. What were the qualifications/criteria
3. How does the above hiring practice falls within the guidelines of EEO

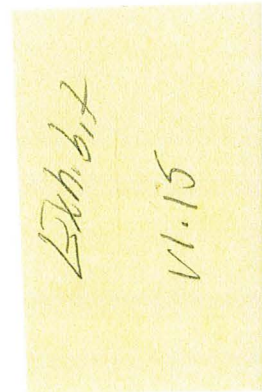
EEO/AA Statement / Non-Discrimination Statement

The University of Tennessee is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA institution in the provision of its education and employment programs and services. All qualified applicants will receive equal consideration for employment without regard to, and will not be discriminated against on the basis of, race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status.

Inquiries and charges of violation of Title VI (race, color, national origin), Title IX (sex), Section 504 (disability), ADA (disability), ADEA (age), sexual orientation, or veteran status should be directed to the (OED). Requests for accommodation of a disability should be directed to the ADA Coordinator at the OED office. Office of Equity and Diversity

Thanks,

Cathy Eppinger
Administrative Assistant III
Facilities Planning & Management
615 McCallie Avenue, Dept. 3553
Chattanooga, Tennessee 37403
Phone: 423-425-4018 Fax: 423-425-4749
Cathy-Eppinger@utc.edu



Eppinger, Cathy

From: Eppinger, Cathy
Sent: Wednesday, July 22, 2020 11:19 AM
To: Cathy Eppinger (keppingr@bellsouth.net)
Subject: FW: New Position - Business Manager "Given" to Amanda Winesburgh - Facilities Planning & Management Department

From: Pou, Laure <Laure-Pou@utc.edu>
Sent: Wednesday, July 15, 2020 4:22 PM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Subject: RE: New Position - Business Manager "Given" to Amanda Winesburgh - Facilities Planning & Management Department

Hi, Cathy.

I apologize for not replying sooner but I was on the Campus Q & A zoom session when you replied with this additional inquiry. I am called upon to speak frequently in those sessions so I do not monitor my email during these sessions.

I can share that any employee receiving an offer for a new job, a promotion or a reclassification must meet the qualifications associated with the position they will occupy. When the revised position responsibilities were established for Amanda Winesburgh's role were established, which resulted in a position reclassification, it was determined that Amanda met the qualification requirements for assuming such duties. However, because this was a revision to a current role and not establishing a new position for the organizational unit, a search was not required that would result in soliciting applications and reviewing qualifications of such applicants.

Does this answer your question? I want to be sure I am addressing your concerns thoroughly, which is why I believe a phone call would be best. I noted that you mentioned some previous discussions with Tom regarding opportunities for expanding your role in the unit and you express frustration in a lack of opportunity. I would be happy to speak with you about those concerns to understand how HR can best assist.

Laure

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Wednesday, July 15, 2020 3:02 PM
To: Pou, Laure <Laure-Pou@utc.edu>
Subject: Re: New Position - Business Manager "Given" to Amanda Winesburgh - Facilities Planning & Management Department

This means qualifications and criteria does not apply, correct?

ent from my T-Mobile 4G LTE Device

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>

Sent: Tuesday, July 14, 2020 11:44 AM

To: Pou, Laure <Laure-Pou@utc.edu>

Subject: RE: New Position - Business Manager "Given" to Amanda Winesburgh - Facilities Planning & Management Department

This should not take long, correct?

From: Eppinger, Cathy

Sent: Tuesday, July 14, 2020 11:29 AM

To: Pou, Laure <Laure-Pou@utc.edu>

Subject: RE: New Position - Business Manager "Given" to Amanda Winesburgh - Facilities Planning & Management Department

Are you available now?

From: Pou, Laure <Laure-Pou@utc.edu>

Sent: Tuesday, July 14, 2020 11:13 AM

To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>

Subject: RE: New Position - Business Manager "Given" to Amanda Winesburgh - Facilities Planning & Management Department

Cathy,

Would you prefer 4pm on Wednesday or 8am on Thursday of this week. I can make either work but wanted to see if you might have a preference.

Laure

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>

Sent: Tuesday, July 14, 2020 11:09 AM

To: Pou, Laure <Laure-Pou@utc.edu>

Subject: RE: New Position - Business Manager "Given" to Amanda Winesburgh - Facilities Planning & Management Department

Laure,

I'm available any day or time.

From: Pou, Laure <Laure-Pou@utc.edu>

Sent: Tuesday, July 14, 2020 10:56 AM

To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>

Subject: RE: New Position - Business Manager "Given" to Amanda Winesburgh - Facilities Planning & Management Department

Hi, Cathy.

I hope you are doing well. I appreciate you reaching out to me and sharing your concerns. I would be happy to speak with you about the questions you have posed regarding this position reclassification and any other areas of interest. I think it would be best if you shared a few times you are available to speak on the phone and I can compare my calendar to see what may work for best of us. Would that be ok?

Eppinger, Cathy

From: McClellan, Anthony
Sent: Thursday, July 29, 2021 4:00 PM
To: Corey, Debby; McGraw, Corey; Charland, Chris; Hodge, Donnie; Eppinger, Cathy
Subject: Work Control Coordinator (Taleo Requisition #21000001FK)

Just an FYI to my direct reports that the department is hiring a Work Control Coordinator. I believe it's posted on Indeed.com and probably other boards too. If you know someone who is qualified and interested in this position, please ask them to apply.

I've posted some info below. I believe it went live on Tuesday.

Job details

Job Type
Full-time

Job Description

Work Control Coordinator, Facilities Planning and Management

- 21000001FK

- Clerical Roles only

**Work Control Coordinator (Administrative Associate 3 - MR06)
Facilities Planning and Management
University of Tennessee, Chattanooga**

The Work Control Coordinator is the primary focal point between the campus and the Facilities Department. As such, this position dispenses departmental information to the campus, serves as a liaison between requesters and the Facilities Department often researching request histories, conducting call backs, and supplying shop personnel with needed information. This position also processes the majority of service requests (thousands per year) and ensures that each is prioritized, assigned to the proper shop, accurately entered the computerized maintenance management system (CMMS), and dispatched to the appropriate shop. The coordinator also ensures all labor (time) is entered and assigned to the proper work order. This position supports conventional campus key system; receiving & routing key requests, notifying customers of status, maintaining a record of issued keys, and receiving and dispatching campus keys. This position assists the Work Control Analyst as the backup to the motor pool position when the primary is unavailable; this is done by scheduling, issuing, and receiving rental vehicles to the campus.

Duties and responsibilities include:

- Receive, classify, prioritize, and dispatch service calls & work requests received via e-mail, phone, and radio. Ensure accurate work order data is entered into the CMMS system, assigned a tracking number, and is continuously updated. Surveys, compiles, and validates building physical data and work requirements.
- Provide assistance to campus personnel by offering guidance on departmental procedures, work status, and general information regarding the department's role in campus operations. Additionally, act as the liaison between the customer (campus personnel, contractors, etc.) and the shop supervisors. This may require passing information, scheduling events, coordinating access to restricted areas, etc.
- Distribute, receive, process, and file campus key requests. This also involves receiving and distributing campus keys, contacting customers when keys are ready for pick up, and receiving keys when personnel are no longer authorized access.

- Process the departmental daily time sheets. This involves attributing the time each employee lists per job to the proper work order number. Again, because errors often occur on time sheets at the shop level, this position is often forced to do a great deal of investigative work and follow up to ensure accurate records are kept within the system.
- Work to progressively improve the facilities services function of the department. This involves continuously working to improve request forms, customer communication, departmental procedures, etc.

The ideal candidate will possess the following:

- Experience in advanced clerical training
- Experience in advanced computer skills with a basic understanding of data base operations
- Skilled in data entry - speed and accuracy.
- Critical thinking and decision-making skills; must be able to exercise good judgment during high stress situations.
- Must be experienced dealing with the public in both positive and negative situation.
- Good communication skills, interpersonal skills, and proper business etiquette are a must; this position is a primary representative of the department.
- Must have good organizational skills and the ability to handle multiple tasks simultaneously.

Review of applications will begin on **August 6th** and continue until the position is filled. Applications received by this date will receive priority consideration.

Minimum Qualifications:

High School Diploma, and a minimum of 1 year in customer service role

Preferred Qualifications:

Working knowledge of computerized maintenance management systems (CMMS), and basic knowledge of building maintenance operations and terminology.

The University of Tennessee Chattanooga is an EEO/AA/Title VI/Title IX/Section 504/ADA/ADEA institution. All qualified applicants will receive equal consideration for employment and will not be discriminated against on the basis of race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or protected veteran status.

Anthony McClellan
Executive Director of Facilities Operations
The University of Tennessee at Chattanooga



Keyword
Work Control Coordinator

Location



View All Jobs
Advanced Search

Job Openings 1 - 8 of 8

▼ Posting Date

Location

Job Field

Job Schedule

 Save this Search

Sort by

Relevancy ▼ Descending ▼

Multi-line

Requisition Title	Location
Back-End Developer - Haslam College Of Business	US-Tennessee
Refrigeration Specialist- Division of Biology	US-Tennessee
Instrument Mechanic- Biology Service Facility	US-Tennessee
Work Control Coordinator, Facilities Planning and Management	US-Tennessee









Posting Date	Actions
ee-knoxville Aug 31, 2021	 
ee-knoxville Aug 19, 2021	 
ee-knoxville Aug 2, 2021	 
ee-Chattanooga Jul 27, 2021	 

Exhibit
VI.1.16.2

↓
"CLERICAL ROLE"



Cathy - c'mon now

you're not in trouble

nothing bad is happening

12/31/2020 BEGINNING of HARMONIA

12/31/2020 3:29 PM

Why the phone call, why?



McClellan, Anthony 12/31/2020 3:29 PM

Because I wanted to talk to you, . . . that's why i call

please relax

12/31/2020 3:29 PM

about what



McClellan, Anthony 12/31/2020 3:30 PM

you said you didn't want to talk today. and that's okay

12/31/2020 3:30 PM

Thanks, Anthony



McClellan, Anthony 12/31/2020 3:30 PM

have a Happy New Year.

will talk to you soon

Exhibit



do you know if Kelsey is in the office?

been trying to reach her

12/31/2020 3:11 PM

Hi there, I cannot get in locked

Mr. Wells do not own a key



McClellan, Anthony 12/31/2020 3:11 PM

shoot

I can call you at your desk

if that's okay. . . . I just try to be sensitive

12/31/2020 3:21 PM

What is going on, please?

That phone call just ruin my Happy New Year.



McClellan, Anthony 12/31/2020 3:28 PM

Cathy - c'mon now

you're not in trouble

nothing bad is happening

Cathy Eppinger
1229 Gunbarrel Road
Chattanooga, Tennessee 37421

January 11, 2021

Tennessee Human Rights Commission
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 23rd Floor
Nashville, Tennessee 37243-1102
(615) 741-6936 Fax (615) 253-1886

RE: Cathy Eppinger vs. University of Tennessee at Chattanooga THRC#3-025-21; EEOC# 25A-2021-00042C

Dear Ms. Bentley,

This letter is in response to my letter sent to you via fax#1-615-253-1886 on December 19, 2020 regarding my request to take part in the mediation process with the University of Tennessee at Chattanooga.

On December 31, 2020, I was informed via phone from Anthony McClellan, Director of Facilities Planning and Management (Building Service Director) who stated, "there is an investigation going on campus that I know somewhat about, but not sure of the details, and/or do I care about". I immediately switched conversation to work related information, thereafter the discussion ended, as well as the phone call. Hours later via instant message, Mr. McClellan asked if I had time to talk. I stated yes, he then called. He then stated that Judy Brown, Employee Relation was included in on phone conversation. The phone call felt very uncomfortable this is when, I stated if we could reschedule a face-to-face meeting. Therefore, the meeting was rescheduled for Friday, January 8, 2021 at 1pm (see attachment). Upon the meeting, Mr. McClellan stated that he was sharing constructive criticism. Please note due to my complaint, I now report to Mr. McClellan instead of Amanda Winesburgh, Business Manager. I feel, this is an attempt to gather negative information that will results in a termination due to my complaint against the University.

Please note that Mr. McGraw/McClellan are very good friends, and they talk about stuff that is not work related constantly. Ten minutes after the meeting, Mr. McGraw, Building Services Supervisor comes to my desk, and stated that he received a call from Mr. McClellan, and that Mr. McClellan is upset about the meeting that him and I just had...meaning "it did not go as he planned"... since I am prepared for their actions, bed of untruths, and how I planned to stand firm in my truth.

If possible, please let me know the status of my complaint, and if there will be a mediation process, and/or have the investigation started?

attachments

Sincerely,

Cathy Eppinger
423-994-3777

Exhibit
1.17.3

Eppinger, Cathy

From: Eppinger, Cathy
Sent: Thursday, December 31, 2020 5:45 PM
To: Brown, Julie
Subject: Re: What is going on???

Thank you, I feel so much better.

Sent from my T-Mobile 4G LTE Device

(Interrogation meeting instead)
CE

----- Original message -----

From: "Brown, Julie" <julie-g-brown@utc.edu>
Date: 12/31/20 3:53 PM (GMT-05:00)
To: "Eppinger, Cathy" <Cathy-Eppinger@utc.edu>
Subject: Re: What is going on???

Cathy, Anthony wants to provide clarification about a few things that have occurred. He wants to build a positive working relationship based on communication and transparency. He's in your corner and supports you. I look forward to seeing you next week.

Thanks,
Julie

Get [Outlook for iOS](#)

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Thursday, December 31, 2020 3:33:21 PM
To: Brown, Julie <julie-g-brown@utc.edu>
Subject: What is going on???

Please tell me, what was the phone call regarding, please tell me?

Cathy Eppinger
Administrative Assistant III
Facilities Planning & Management
615 McCallie Avenue, Dept. 3553
Chattanooga, Tennessee 37403
Phone: 423-425-4018 Fax: 423-425-4749
Cathy-Eppinger@utc.edu



Exhibit
17.4

Eppinger, Cathy

From: Delgado, Rosite
Sent: Friday, December 18, 2020 12:13 PM
To: Eppinger, Cathy
Subject: RE: CV Request

Hi Cathy,

Thank you for sending this. I also acknowledge your comment about the call on Wednesday. I understand your concerns and I am glad you reached out. I did look further into it, and at this time, my understanding is that no decision has been made regarding a move for you. I do know that Anthony is aware of your concerns and will ensure that your concerns are addressed. In the meantime, if there is anything I can do or any additional questions or concerns you have, please do not hesitate to reach out.

I do want to take this opportunity to wish you and your family a safe and enjoyable holiday season.

Warmest Regards,
Rosite Delgado

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Thursday, December 17, 2020 7:37 AM
To: Delgado, Rosite <Rosite-Delgado@utc.edu>
Subject: RE: CV Request

Good morning Ms. Rosite,
Per your request, please see attachment. Also, please forgive if I came across in the wrong way yesterday. I truly enjoy being here... I just want to be treated fairly.

Thank you for your time and attention,

Cathy

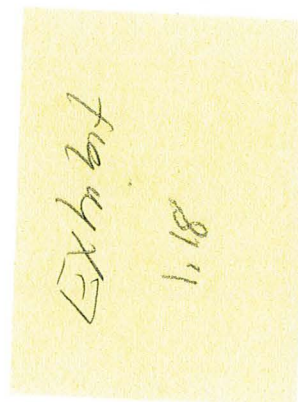
From: Delgado, Rosite <Rosite-Delgado@utc.edu>
Sent: Friday, December 11, 2020 10:02 AM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Subject: CV Request

Good Morning Cathy,

I hope you're doing well. I wanted to follow-up on the request for your CV/resume. Please send that to me at your earliest convenience.

Also, have you had a chance to pick up your BFSA gift bag? They are in the multicultural center in Lupton Hall. If you haven't yet, please try to go by there today to get yours. Also, please spread the word to other black staff in your area so they can also get theirs. I hope you all will be able to join the end-of-year celebration this evening at 6pm.

Thanks,



Assistant Vice Chancellor for Operations

Dept 3553
615 McCallie Avenue
Chattanooga, TN 37403
Phone: (423) 425-4687
Fax: (423) 425-4533
www.utc.edu

MEMORANDUM

TO: Cathy Eppinger, Administrative Specialist III

FROM: Anthony McClellan, Executive Director of Facilities Operations

SUBJ: Final Written Warning

DATE: April 16, 2021

The University expects all staff members to adhere to University/department policy, follow directives from their supervisor, exemplify sound decision-making and professionalism, and manage our resources conscientiously. These responsibilities are essential to our mission in serving students, as well as the University community and public.

Several specific instances have been brought to my attention where you violated *UT System Policy HR0580 – Code of Conduct*, which states that employees are expected to be committed to creating an environment that promotes fair treatment and respect for others. It also states that employees are expected to treat one another in an honest and respectful manner. Below is a summary of concerns regarding your pattern of inappropriate behavior:

On July 15, 2020, you emailed Dr. Richard Brown and shared your concerns regarding Amanda Winesburgh's promotion in place. Several individuals were copied on that email in which you shared harsh words about Amanda. There was also language that could have been interpreted as threatening. On August 12, Tom Ellis, Laure Pou, Julie Brown and I met with you to hear your concerns and get clarification about the intent of your email to Dr. Brown. We provided additional information about Amanda's position and expressed the inappropriateness of your email. We also asked that you find more appropriate ways to seek information and/or address any concerns that you may have. You were informed that this conversation was intended to better understand your concerns and support you moving forward, but any future instances of perceived threatening language or behavior would not be tolerated.


On December 17, 2020, I became concerned about behavior I observed in which you exhibited inappropriate and unprofessional behavior toward me. Your behavior at times was overtly disrespectful without provocation. After unsuccessfully trying to address my concerns directly with you, you and I met with Human Resources Employee Relations Manager Julie Brown on January 8, 2021. We discussed the behaviors at issue, and we set clear expectations about professional conduct and respectful working relationships with your co-workers. It was my hope that no further incidents of this nature would occur.

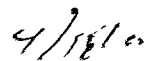
However, I learned that you had an encounter with Amanda Winesburgh in February 2021 in which you aggressively questioned her about the new phone in her office. As was subsequently explained to you, Amanda's office had been recently renovated and a new phone had been installed in accordance with the renovation plans. Amanda did not ask for a new phone nor had any involvement with the decision to install the new phone. Yet, instead of addressing your questions and concerns about the new phone with me, you confronted Amanda in an inappropriate and accusatory manner, which created an uncomfortable environment. Any concerns that you have, particularly those involving department policies and procedures, should be discussed with me directly.

Following the February 2021 incident and careful consideration of the previous efforts to informally address your inappropriate behavior without success, in March 2021, I began collaborations with the Office of Human Resources to formally address your ongoing pattern of inappropriate behavior in violation of the *Employee Code of Conduct*. Although regrettable, it was hoped that formal disciplinary action would reiterate the serious nature of your actions and the required change in your work-related behavior necessary to ensure a successful work environment. I wanted, however, to speak with you about the February 2021 incident involving your encounter with Amanda before moving forward with a Written Warning pursuant to the progressive disciplinary process outlined in *UT Policy HR0525 – Disciplinary Action*. But when I raised the matter during our meeting on April 15, you again engaged in behavior that was extremely inappropriate. You responded to my inquiries in a very disrespectful manner, including stating "every day you walk in here with your face in your butt, and you're supposed to be an example." This behavior is unacceptable and further demonstrates an inability to exercise sound professional judgement and communicate your concerns properly. This incident was documented with Human Resources on the same date.

You continue to express your concerns inappropriately and display unprofessional behavior, which violates the expectation that you communicate professionally and respectfully with all staff members. Due to your extremely unprofessional and disrespectful behavior on April 15, this formal disciplinary letter is being elevated to a Final Written Warning pursuant to *UT Policy HR0525 – Disciplinary Action*, and it will be documented in your personnel file with the Office of Human Resources. Any further instances of unsatisfactory work performance or work-related behavior of this nature may result in further disciplinary action, up to and including immediate termination. You are a valuable member of the department, and for this reason, we regret that this action is necessary.

By signing below, you acknowledge receipt of this memo and understand that failure to comply with UT Policies may lead to a continuation of the progressive disciplinary process, up to and including immediate termination.


Employee Signature


Date

cc: Human Resources

Eppinger, Cathy

From: Pou, Laure
Sent: Friday, April 16, 2021 12:12 PM
To: Eppinger, Cathy
Cc: Brown, Julie; McClellan, Anthony
Subject: Re: Mandatory Meeting

Hi, Cathy.

Unfortunately, Julie Brown is not available to attend today. She can certainly serve as a point of contact for you following our discussion this afternoon.

Laure

Sent from my iPhone

On Apr 16, 2021, at 11:54 AM, Eppinger, Cathy <Cathy-Eppinger@utc.edu> wrote:

Hi Laura,
If possible, please can Ms. Brown be included in this meeting?

From: Eppinger, Cathy
Sent: Friday, April 16, 2021 10:39 AM
To: McClellan, Anthony <anthony-mcclellan@utc.edu>
Cc: Pou, Laure <Laure-Pou@utc.edu>
Subject: RE: Mandatory Meeting

Ok.

From: McClellan, Anthony <anthony-mcclellan@utc.edu>
Sent: Friday, April 16, 2021 10:37 AM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Cc: Pou, Laure <Laure-Pou@utc.edu>
Subject: RE: Mandatory Meeting

You're welcome.
I'll see you then.

Anthony McClellan
Executive Director of Facilities Operations
The University of Tennessee at Chattanooga

<image001.png>

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Friday, April 16, 2021 10:33 AM
To: McClellan, Anthony <anthony-mcclellan@utc.edu>

Cc: Pou, Laure <Laure-Pou@utc.edu>

Subject: RE: Mandatory Meeting

Thank you

From: McClellan, Anthony <anthony-mcclellan@utc.edu>

Sent: Friday, April 16, 2021 10:30 AM

To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>

Cc: Pou, Laure <Laure-Pou@utc.edu>

Subject: Mandatory Meeting

Importance: High

Cathy - Your attendance is required at a mandatory meeting, scheduled for 1:00pm today. We will meet in the conference room next to Tom's office.

Thanks,

Anthony McClellan
Executive Director of Facilities Operations
The University of Tennessee at Chattanooga

<image001.png>

Eppinger, Cathy

From: Eppinger, Cathy
Sent: Thursday, April 22, 2021 12:20 PM
To: Pou, Laure
Cc: McClellan, Anthony; Brown, Julie
Subject: RE: Copy of Signed Final Written Warning

Thank you

From: Pou, Laure <Laure-Pou@utc.edu>
Sent: Thursday, April 22, 2021 10:39 AM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Cc: McClellan, Anthony <anthony-mcclellan@utc.edu>; Brown, Julie <julie-g-brown@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Hi, Cathy.

The final written warning that was issued to you on **April 16 will remain in place.** However, I appreciate you sharing your concerns and we would be happy to discuss them further as desired. As you requested when we met on Friday, Julie Brown may serve as your point of contact for discussing concerns at this time. I see in your communication below that you have described an interaction with Amanda and I've copied Julie on this email so she can reach out to you to gather additional information.

Laure

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Wednesday, April 21, 2021 10:07 AM
To: Pou, Laure <Laure-Pou@utc.edu>
Cc: McClellan, Anthony <anthony-mcclellan@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

A written document was not presented to me at that time, and I strongly believe that it should have. Also, Amanda approached my desk the very next morning, when she revisited the desk phone conversation. How will that be handle?

From: Pou, Laure <Laure-Pou@utc.edu>
Sent: Wednesday, April 21, 2021 9:56 AM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Cc: McClellan, Anthony <anthony-mcclellan@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Hi, Cathy.

Thank you for following up with your questions. I talked through the justification for executing a final written warning with you during our meeting on Friday, but I know that was a difficult conversation for you and you may not recall all information that was shared. The information you are seeking is documented in the final written warning memo that was presented to you. I recommend that you review the details of that memo at this time. The following excerpt from the memo addresses the decision to elevate the action to a final written warning:

"Following the February 2021 incident and careful consideration of the previous efforts to informally address your inappropriate behavior without success, in March 2021, I began collaborations with the Office of Human Resources to formally address your ongoing pattern of inappropriate behavior in violation of the Employee Code of Conduct. Although regrettable, it was hoped that formal disciplinary action would reiterate the serious nature of your actions and the required change in your work-related behavior necessary to ensure a successful work environment. I wanted, however, to speak with you about the February 2021 incident involving your encounter with Amanda before moving forward with a Written Warning pursuant to the progressive disciplinary process outlined in UT Policy HR0525 - Disciplinary Action. But when I raised the matter during our meeting on April 15, you again engaged in behavior that was extremely inappropriate. You responded to my inquiries in a very disrespectful manner, including stating "every day you walk in here with your face in your butt, and you're supposed to be an example." This behavior is unacceptable and further demonstrates an inability to exercise sound professional judgement and communicate your concerns properly. This incident was documented with HumanResources on the same date.

You continue to express your concerns inappropriately and display unprofessional behavior, which violates the expectation that you communicate professionally and respectfully with all staff members. Due to your extremely unprofessional and disrespectful behavior on April 15, this formal disciplinary letter is being elevated to a Final Written Warning pursuant to UT Policy HR0525 -Disciplinary Action, and it will be documented in your personnel file with the Office ofHuman Resources."

Laure

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Tuesday, April 20, 2021 4:07 PM
To: Pou, Laure <Laure-Pou@utc.edu>
Cc: McClellan, Anthony <anthony-mcclellan@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Hi Laure

I have not had a chance to read my write up... other task at hand (many). However, the subject line seems odd because UT System Policy HR0525 reads Disciplinary Action is as follows:

Oral Warning

Written Warning

Final Written Warning

My email to Dr. Brown... and my question to you, as well as Julie Brown "will this be a verbal or written warning" you both said no in our August 12, 2020 meeting, so why is this a final written warning?

From: Pou, Laure <Laure-Pou@utc.edu>
Sent: Friday, April 16, 2021 4:44 PM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>; McClellan, Anthony <anthony-mcclellan@utc.edu>
Subject: Copy of Signed Final Written Warning

Cathy,

As promised, I have attached a copy of the Final Written Warning you signed at the conclusion of our meeting today. Please let me know if you have any questions for me at this time.

Laure

Laure Pou
Assistant Vice Chancellor
UTC Human Resources
720 McCallie Avenue
Chattanooga, TN 37403
423-425-5742

Eppinger, Cathy

From: Eppinger, Cathy
Sent: Wednesday, April 28, 2021 10:58 AM
To: Brown, Julie
Subject: RE: Copy of Signed Final Written Warning

Ok, what time works for you tomorrow.

From: Brown, Julie <julie-g-brown@utc.edu>
Sent: Wednesday, April 28, 2021 10:56 AM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Hello, Cathy.

The purpose of this meeting is to gather information about your interaction with Amanda. Employees are not allowed to have an attorney present at HR meetings of this nature. If your attorney would like to discuss this matter further, please have her contact UT's General Counsel. Contact information is below:

Yousef Hamadeh
Associate General Counsel
University of Tennessee
(423) 425-5703
yousef-hamadeh@utc.edu

If you'd like to proceed with our meeting without your attorney present, then let me know.

Please let me know if you have any questions.

Thanks,
Julie

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Tuesday, April 27, 2021 3:27 PM
To: Brown, Julie <julie-g-brown@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Hi Ms. Julie,
Attorney Jacqueline Strong Moss

From: Brown, Julie <julie-g-brown@utc.edu>
Sent: Tuesday, April 27, 2021 2:23 PM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Cathy, you stated that you plan to have counsel present. Please clarify who you would like to be present and who you propose to attend with you.

EX-107
4/19/21

Thanks,
Julie

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Tuesday, April 27, 2021 10:54 AM
To: Brown, Julie <julie-g-brown@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Good morning Ms. Julie,
I plan to be present with counsel – need time for meeting.

From: Brown, Julie <julie-g-brown@utc.edu>
Sent: Tuesday, April 27, 2021 10:22 AM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Cathy,

Are you available to meet tomorrow afternoon or Thursday afternoon? Also, let me know what time would work best for you, and if you'd like to meet in-person, by Zoom or phone.

Thanks,
Julie

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Monday, April 26, 2021 8:24 AM
To: Brown, Julie <ynf969@mocs.utc.edu>
Subject: RE: Copy of Signed Final Written Warning

When are you available?

From: Brown, Julie <ynf969@mocs.utc.edu>
Sent: Friday, April 23, 2021 4:01 PM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Good afternoon, Cathy.

I'm following up to see if you'd like to meet to discuss the interaction between you and Amanda that you referenced in your email. If so, let me know what possible days and times next week would work for you.

Thanks, and have a great weekend!
Julie

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Thursday, April 22, 2021 12:20 PM
To: Pou, Laure <Laure-Pou@utc.edu>
Cc: McClellan, Anthony <anthony-mcclellan@utc.edu>; Brown, Julie <julie-g-brown@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Thank you

Eppinger, Cathy

From: Eppinger, Cathy
Sent: Wednesday, April 28, 2021 3:49 PM
To: Brown, Julie
Subject: RE: Copy of Signed Final Written Warning

Exhibit
1.19.5



From: Brown, Julie <julie-g-brown@utc.edu>
Sent: Wednesday, April 28, 2021 3:47 PM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

You're welcome, Cathy. Enjoy the rest of your week.

Julie

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Wednesday, April 28, 2021 3:38 PM
To: Brown, Julie <julie-g-brown@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Ms. Julie,
Thank you so much.

From: Brown, Julie <julie-g-brown@utc.edu>
Sent: Wednesday, April 28, 2021 3:36 PM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Cathy,

Rosite is not available to meet on Friday. A meeting has been scheduled for Tuesday at 11:00. Please let me know if that day/time does not work for you.

Thanks,
Julie

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Wednesday, April 28, 2021 11:11 AM
To: Brown, Julie <julie-g-brown@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

If possible, is it ok for Ms. Delgado/Ms. Nicholle Harris to be in attendance? Friday at 2:00pm works. (in person)

From: Brown, Julie <julie-g-brown@utc.edu>
Sent: Wednesday, April 28, 2021 11:08 AM

To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Cathy,

I'm working remotely tomorrow, so I'm available to meet via Zoom or phone anytime tomorrow except 3:00-4:00. If you'd like to meet in person, I'm available Friday afternoon between 2:00 and 3:30. Based on how you'd like to meet and my availability that I've shared, please let me know which day and time will work best for you.

Thanks,
Julie

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Wednesday, April 28, 2021 10:58 AM
To: Brown, Julie <julie-g-brown@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Ok, what time works for you tomorrow.

From: Brown, Julie <julie-g-brown@utc.edu>
Sent: Wednesday, April 28, 2021 10:56 AM
To: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Hello, Cathy.

The purpose of this meeting is to gather information about your interaction with Amanda. Employees are not allowed to have an attorney present at HR meetings of this nature. If your attorney would like to discuss this matter further, please have her contact UT's General Counsel. Contact information is below:

Yousef Hamadeh
Associate General Counsel
University of Tennessee
(423) 425-5703
yousef-hamadeh@utc.edu

If you'd like to proceed with our meeting without your attorney present, then let me know.

Please let me know if you have any questions.

Thanks,
Julie

From: Eppinger, Cathy <Cathy-Eppinger@utc.edu>
Sent: Tuesday, April 27, 2021 3:27 PM
To: Brown, Julie <julie-g-brown@utc.edu>
Subject: RE: Copy of Signed Final Written Warning

Hi Ms. Julie,
Attorney Jacqueline Strong Moss

Eppinger, Cathy

From: Eppinger, Cathy
Sent: Monday, May 3, 2021 9:36 AM
To: Brown, Julie
Cc: Delgado, Rosite
Subject: Tuesday meeting - Cancel

Good morning Julie,
I need to cancel our meeting on Tuesday May 4th @ 11am.

Thanks,

Cathy Eppinger
Administrative Assistant III
Facilities Planning & Management
615 McCallie Avenue, Dept. 3553
Chattanooga, Tennessee 37403
Phone: 423-425-4018 Fax: 423-425-4749
Cathy-Eppinger@utc.edu



Exhibit
1-19.6

Eppinger, Cathy

Subject: Looking Forward
Location: Admin Conf Room 202 / Zoom link in notes
Start: Mon 3/8/2021 2:00 PM
End: Mon 3/8/2021 3:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: McClellan, Anthony
Required Attendees: Winesburgh, Amanda Winesburgh; McGraw, Corey; Joey Chesnutt; Hood, Kenneth; Wells, Michal; Eppinger, Cathy; Stephens, Linda Sue; Battles, Kelsey

Exhibit
1.20

Join Zoom Meeting

<https://us02web.zoom.us/j/85214799269?pwd=ZFBYdy8rdEg0YlRGYkErSkJsRTA2UT09>

Meeting ID: 852 1479 9269

Passcode: Facilities

Eppinger, Cathy

From: McClellan, Anthony
Sent: Friday, February 12, 2021 7:11 AM
To: Debbie Manning
Cc: Eppinger, Cathy; Winesburgh, Amanda Winesburgh
Subject: Fwd: Account payable contact
Attachments: image001.png; Invoice UTC 047229.pdf; Invoice UTC 047512.pdf; Invoice UTC 047642.pdf; Aged AR, UTC 2-5-2021.pdf

Hello Debbie - I'm in the middle of revamping our invoice process. In the meantime, you can send them to Cathy and Amanda. They are copied on this email.

Anthony McClellan
Executive Director of Facilities Operations
The University of Tennessee at Chattanooga

Begin forwarded message:

From: Debbie Manning <DManning@premierebuilding.com>
Date: February 8, 2021 at 9:04:51 AM EST
To: "McClellan, Anthony" <anthony-mcclellan@utc.edu>
Subject: Account payable contact

** We both
process Invoices
* identical Dates*

Hello Anthony,

I was checking to see if you are the best person to send invoices to for UTC? If not please send me the e-mail address of the correct person. It looks like there may be a couple of invoice that were missed. Please see the attached and let me know if you have received them please. Also I attached a copy of your aging for your review.

Thank you for your help.

Thank you,

Debbie Manning
Accounting Clerk
Premiere Building Maintenance Corporation
1416 McCalla Ave.|Knoxville, TN 37915
T: 865-522-7731|F: 865-546-6708
Dmanning@premierebuilding.com

Premiere PRIDE: Personal Responsibility In Delivering Excellence

*Exhibit
1.21.*

Eppinger, Cathy

From: McClellan, Anthony
Sent: Tuesday, March 9, 2021 8:11 AM
To: Eppinger, Cathy; Winesburgh, Amanda Winesburgh
Subject: FPM Ledgers

From what I can tell, FPM Ledgers breaks down regularly, and IT doesn't support it. The most recent time I know about was last Friday, but I'm aware of at least a 1/2 dozen other times that it has. Based on that, I'm making the recommendation to Tom for us to move away from FPM Ledgers as a database tool.

I clearly understand the need to maintain a Log of what was received/sent. But if the tool we have is not reliable, and at times can't be fixed, it affects our ability to operate.

Maybe a simple excel sheet would work. Maybe we need an actual Accounts Payable software. I'm open to suggestions, but the current situation is untenable. I'm just sending this as a heads up. Since you both work on invoicing.

Thanks Cathy for bringing this to my attention.

Anthony McClellan
Executive Director of Facilities Operations
The University of Tennessee at Chattanooga
email: anthony-mcclellan@utc.edu

* Note - Amanda, Ms. Sue
+ Cathy Job description
are equal. WE ALL
Do the excel Duties
see pink writing

Exh. b7
1, 21:2

Eppinger, Cathy

From: McClellan, Anthony
Sent: Friday, March 12, 2021 11:11 AM
To: Darger, Lisa; Charland, Chris
Cc: Ellis, Tom M; Winesburgh, Amanda Winesburgh; Eppinger, Cathy
Subject: RE: [EXT]: Irrigation Electrical Connection
Attachments: Irrigation Electrical Proposal.pdf

Chris - Just sending this email to document what we've already discussed. Given that this money was previously approved by the ETF and is currently available we are proceeding forward with Adman's proposed repairs to the irrigation system.

Copying Cathy/Amanda because they both process Adman invoices.

Anthony McClellan
Executive Director of Facilities Operations
The University of Tennessee at Chattanooga



From: Darger, Lisa <Lisa-Darger@utc.edu>
Sent: Wednesday, March 10, 2021 11:00 AM
To: Charland, Chris <Chris-Charland@utc.edu>; McClellan, Anthony <anthony-mcclellan@utc.edu>
Subject: RE: [EXT]: Irrigation Electrical Connection

Yes – we have approximately \$25,000 remaining in the rolling account which has already been encumbered for the irrigation system.

From: Charland, Chris <Chris-Charland@utc.edu>
Sent: Tuesday, March 9, 2021 3:34 PM
To: McClellan, Anthony <anthony-mcclellan@utc.edu>
Cc: Darger, Lisa <Lisa-Darger@utc.edu>
Subject: Re: [EXT]: Irrigation Electrical Connection

You are correct that we did not use all of the funds on the first go around I just wanted to make sure that they are available for immediate use or does it have to go back in front of the committee.

Sent via the Samsung Galaxy S8 Active, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: McClellan, Anthony <anthony-mcclellan@utc.edu>
Sent: Tuesday, March 9, 2021 3:30:10 PM
To: Charland, Chris <Chris-Charland@utc.edu>
Cc: Darger, Lisa <Lisa-Darger@utc.edu>
Subject: Re: [EXT]: Irrigation Electrical Connection

I may be misremembering what our status is, but it seems like we didn't spend all of the original allotment. Could we use some of that balance to get this going even if the additional funding hasn't been 100%